

## Director Approval



<b>Officer</b>	Tanya Ruseva – Engineer Bridges and Structures, Dorset Highways
<b>Subject of Report</b>	<b>Use of Compulsory Purchase Powers in relation to land at Dinah's Hollow</b>
<b>Executive Summary</b>	<p>The C13 highway at Dinah's Hollow, Melbury Abbas runs in a deep hollow. Geotechnical reports have highlighted that the banks, which are in private ownership, are unstable. If a major slip occurred there could be loss of life.</p> <p>A stabilisation scheme of the slopes at Dinah's Hollow was approved by the Cabinet in 2020 and 2021, that the recommended solution of soil nailing to stabilise the banks should be progressed. Both funding and the in principle use of the Council's compulsory purchase powers to acquire the necessary land, interest and rights were approved by Cabinet on 9 July 2024.</p> <p>The Council has made attempts to seek to acquire the land by agreement but thus far terms have not been agreed.</p> <p>To move the project forward the Council needs to acquire land and rights for installation of the soil nails on the banks and drainage on the top of the east embankment.</p> <p>Officers will continue to seek to acquire the land by agreement but making the compulsory purchase order is now necessary to secure the land and rights for the improvement works in case agreement is not reached with any landowner.</p>
	<b>Budget Implications:</b> <p>Funding to deliver the scheme was approved by the Dorset Council Cabinet on 9 July 2024.</p>
	<b>Risk Assessment:</b>

	<p>The corporate risk register records the risk associated with the continued use of Dinah's Hollow by traffic without the mitigation measures as:</p> <p>Current Risk: <b>MEDIUM</b></p> <p>Residual Risk: <b>LOW</b></p>
<b>Recommendation</b>	<p>To make the Dorset Council (Dinah's Hollow Improvement Scheme) Compulsory Purchase Order 2024 under section 102, 239, 249 and 250 of the Highways Act 1980 and the Acquisition of Land Act 1981 and such other powers as may be appropriate to secure a compulsory purchase order (CPO) to acquire:</p> <ul style="list-style-type: none"> <li>all land, interests, and rights in respect of the areas of land shown edged red and shaded pink on the Order map at Appendix C; and</li> <li>new rights over the land shown edged red and shaded blue on the Order map at Appendix C.</li> </ul> <p>To approve:</p> <ul style="list-style-type: none"> <li>the Compulsory Purchase Order at Appendix A.</li> <li>the Statement of Reasons at Appendix B; and</li> <li>the Order Map at Appendix C.</li> </ul>
<b>Reason for Recommendation</b>	<p>To acquire the necessary land interests and rights to deliver works approved by Dorset Council's Cabinet.</p>
<b>Officer Contact</b>	<p>Name: Tanya Ruseva</p> <p>Tel: 01305 225337</p> <p>Email: <a href="mailto:tanya.ruseva@dorsetcouncil.gov.uk">tanya.ruseva@dorsetcouncil.gov.uk</a></p>

## 1 Background – Cabinet Approval of Scheme, funding and in principle use of CPO powers

The Council proposes to make the Dorset Council (Dinah's Hollow Improvement Scheme) Compulsory Purchase Order 2024 (the **CPO**) under sections 102, 239, 249 and 250 of the Highways Act 1980 (**1980 Act**).

The CPO will enable the delivery of Dinah's Hollow Improvement Scheme (**the Scheme**) which will improve the existing highway at Dinah's Hollow and afford it protection against landslide.

The Council has sought to acquire by agreement the required interests in the land on both sides of the Hollow in order to deliver the Scheme (the **Order Land**). In doing so, it has taken full account of the Ministry of Housing, Communities and Local Government's Guidance on the Compulsory Purchase Process (the **CPO Guidance**), which provides guidance to acquiring authorities on the use of compulsory purchase powers and the Department for Transport's (DfT) 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.

On 6th October 2020 Dorset Council's Cabinet approved £130,000 funding for drainage works on the east side of the hollow (**East Site**). ([Decision - Dinah's Hollow, Slope Stabilisation - Dorset Council](#))

On 6th April 2021 Cabinet approved a further £4.363 million of the Council's Capital Funds to deliver the whole Scheme (i.e stabilisation on the East Site and the west side of the hollow (**West Site**)) ([Decision - Capital Programme 2021/22 - Dorset Council](#))

On 9th July 2024 Cabinet ([Dinahs Hollow Slope Stabilisation final.pdf \(dorsetcouncil.gov.uk\)](#)) the following decisions ([Decision - Dinah's Hollow Slope Stabilisation - Dorset Council](#)) were made:

- (a) That full funding for the Scheme be approved, with the additional funding achieved through reprofiling the existing Highway budgets for the financial years 2025/26 and 2026/27.
- (b) That Cabinet authorise the use of the Council's powers of compulsory acquisition under section 102, 239, 249 and 250 of the Highways Act 1980 and the Acquisition of Land Act 1981 and such other powers as may be appropriate to secure the CPO to acquire:
  - All land, interests, and rights in respect of the areas of land shown edged red and shaded pink on the Order map at Appendix D of the report to Cabinet - 9 July 2024 and
  - New rights over the land shown edged red and shaded blue on the Order map at Appendix D of the report to Cabinet - 9 July 2024
- (c) That authority be delegated to the Interim Lead for Place (including any officer nominated by them):

- To take all necessary steps to secure the preparation, making and submission to the Secretary of State for Transport or the confirmation and implementation of the CPO including (but not limited to) drafting and publishing the Statement of Reasons; the publication, advertisement, notification and service of all necessary notices; the investigation of and responses to objections; and the presentation of the Council's case at any public inquiry or other examination procedure.
- To continue to negotiate to acquire the necessary land and new rights by agreement and to acquire the same by private treaty if agreement can be reached.
- To make minor amendments, modifications, and deletions to the CPO and/ or the Order Map including (but not limited to) to the land or new rights required should this be considered appropriate.
- If the CPO is confirmed, they take all necessary steps including (but not limited to) to advertise the confirmation, of the CPO and serve all necessary notices of the confirmation and once the CPO becomes operative to execute General Vesting Declarations under the Compulsory Purchase (Vesting Declarations) Act 1981 and/ or to serve all necessary notices including serving Notices to Treat and Notices of Entry following confirmation of the CPO if required so that the land subject to the CPO vests in the Council.
- To take all steps in relation to any leal proceedings relating to the CPO including defending or settling claims referred to the Upper Tribunal and/or applications to the courts and any appeals.

Given the risks at Dinah's Hollow, the Council cannot wait for negotiations to break down with the landowners before commencing making the CPO. The purpose of this Report is therefore to seek approval from the Executive Director for Place (Interim Lead for Place at the time of Cabinet on 9 July 2024) to proceed with now making the CPO (following Cabinet approval of the Scheme and in principle approval to proceed with the CPO).

A draft Statement of Reasons for making the proposed CPO is annexed at Appendix B. This is a non- statutory document which describes the aim and purpose of the Scheme, as well as the reasons, deliverability and purposes for making the CPO.

## **2 Land and rights required for the Scheme**

The land and new rights required for the Scheme are shown on the plan at Appendix C. Parcels of land to be acquired permanently are shaded pink and land over which new rights are to be acquired shaded blue, together these areas make up the proposed Order Land.

Since the 9 July 2024 Cabinet, a revised Order Map (Appendix C) has been produced. The only change is to amend plot 3 to new rights only rather than acquiring full title to the plot. Officers recommend approving the revised Order Map as the change will have a lesser impact on the landowner than the previous revision of the Order Map submitted to Cabinet.

The proposed Order Land consists of seven plots of land which comprise woodland, arable and pastureland. Further details of each plot are set out in the Schedule to the CPO and



further information on the purchase of acquiring each plot is set out in section 2 of the Statement of Reasons (Appendix B).

The Order Land is owned by two landowners. However, their title excludes timber which was excepted and reserved by Sir Richard Fitzgerald Glyn in 1919. The excepted timber relates only to '*standing timber and other trees blazed and marked with numbers*' in 1919 and therefore it is not believed that this interest in the timber extends to all timber on the Order Land.

As part of the CPO process, the Council is required to undertake a 'diligent inquiry' to ascertain the current beneficiary of that interest. The likely owner has been identified and has been contacted by the Council. The Council's estate team will shortly be proposing terms for the acquisition of this interest in the timber, but it is anticipated that this interest will have a nominal value.

The CPO incorporates the Mining Code which provides for the purchase of the surface only of the Order Land without the underlying minerals. The incorporation of the code does not, of itself, prevent the working of minerals within a specified distance of the surface of the land acquired under the order; but it will enable the Council, if the CPO becomes operative, to serve a counter-notice stopping the working of minerals, subject to the payment of compensation.

### **3 Details of the Scheme**

The Scheme design comprises the following:

- 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.
- a high tensile flexible facing system comprising steel wire mesh with associated nail plates, steel wire anchor ropes and fixings as required.
- high containment kerb and a hard slope facia system with a combined typical height of 1.5m, running along the toe of the slopes.
- openings will be created within the mesh for identified existing trees and for planting holes.
- sections of the slope will be reprofiled.
- 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
- drainage intercepting the overland runoff at the edge of the field at the top of the cutting, comprising an earth bund draining in a new lagoon to trap sediment.

As part of the Scheme it is proposed that up to 80 of the trees 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.

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. 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.

The proposed bund and lagoon on the East Site, has been included as part of the Scheme following the landslide in March 2016 as overland runoff from the topography of the East Site was a probable cause of the landslide.

The need for the lagoon is two-fold:

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

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.

The Scheme was approved by Cabinet on 6th October 2020 and 6th April 2021.

## **4 Alternatives to the Scheme**

This section addresses the alternatives to the Scheme at the Order Land considered by Dorset Council for stabilising the slopes at Dinah's Hollow and affording the highway protection from landslide.

Dorset Council commissioned an Options Report to produce a geotechnical investigation and options for mitigating the risk of landslide from the Order Land which was published in November 2014 ([Cabinet 9 July 2024 - Background papers Dinah's Hollow Stabilisation Options Report](#))(Options Report)

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

### **4.1 Re-grading of the slope**

This would involve re-grading the slopes on the Order Land to an acceptable reduced slope angle from the toe of the slopes.

Re-grading the slope 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. This would result in an adverse ecological impact and a significant number of trees would need to be removed. It was also the most expensive option presented in the Options Report.

#### **4.2 Bioengineering**

Bioengineering is a technique that uses vegetation to improve slope stability through their root structures. Studies have identified that certain types of vegetation on slopes have an observable, but unquantifiable, positive effect on the stability of earthwork.

This option was discounted as the effectiveness cannot be quantified or guaranteed and therefore a risk to the safety of highway users would remain with this option. Furthermore, the area of influence is typically limited to within 1m of the surface which may be insufficient for greater slips.

#### **4.3 Vertical realignment**

This would involve raising the vertical realignment of the road at the lower end of Dinah's Hollow. Crucially, this option would not address the instability of the slopes themselves and therefore was discounted as a viable option.

#### **4.4 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 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.

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.

All of these 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 works to be carried out solely within the existing public highway.

Carrying out the works solely within the existing public highway is not possible as stabilisation of the Order Land is required to afford the highway protection from landslide and reduce the risk to highway users

The Council also 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).

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.

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.

The 2024 Technical Note concluded that soil nailing is considered the most appropriate long-term solution to stabilise the slopes at Dinah's Hollow, whilst balancing the sensitivity of the environment and maintaining existing landscape and habitat.

The Melbury Abbas & Cann Parish Council independently commissioned Red Rock Geoscience Limited (**Red Rock**) 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**). The Red Rock Report considered the available alternatives and found as summarised below:

Monitoring and Reactive Repair	Shallow failures throughout the Hollow and evidence of historical movements. Failures might occur suddenly and without warning. Risks will not be mitigated adequately.
Tree Managing and Bioengineering	Not an appropriate solution on its own and it would not fully mitigate risks to road users. Movements could be rapid and come without warning whilst vehicles are going through the Hollow. Despite not being a solution on its own, this does need to be carried out on a continuing basis, as it does provide some element of stabilisation of the slope.
Mesh and Anchor Systems	System proven to provide stability. Considered to be an appropriate and a viable option for the medium to long term stability of the Hollow.
Passive barrier	<p>In a confined space, there is a risk of the passive barrier and/or material encroaching onto the road and so it still presents a risk to road users. These movements could be rapid and come without warning whilst vehicles are going through the Hollow.</p> <p>If the recommended mesh and anchor system is not adopted, then a traffic light, edge barrier and a passive barrier at the toe of the slope could be adopted, but it would need to be able to accommodate a really significant failure (e.g in line with the estimated 35 tonnes which fell in 2016), which may require "alpine" level of</p>

	attenuators. Visual impact of those may not be aesthetically appealing.
ElectroKinetics	Generally a temporary method, to permit permanent stabilisation works, such as soil nailing to be installed. The ground conditions in Dinah's Hollow are not conducive to successful stabilisation.
Surface Water Management	Methods are considered inappropriate at Dinah's Hollow.

The independent Red Rock Report concludes that using a mesh and anchor solution would be appropriate in this instance (which the Scheme includes).

As set out above, there are no viable alternatives to the Scheme.

#### 4.5 Ecology and Landscape Impact

In designing the Scheme, officers have 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.

Extensive discussions have taken place between the arboricultural, ecological and landscape officers within the 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.

The Council applied for an Environmental Impact Assessment (EIA) screening opinion which was issued by the local planning authority 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.

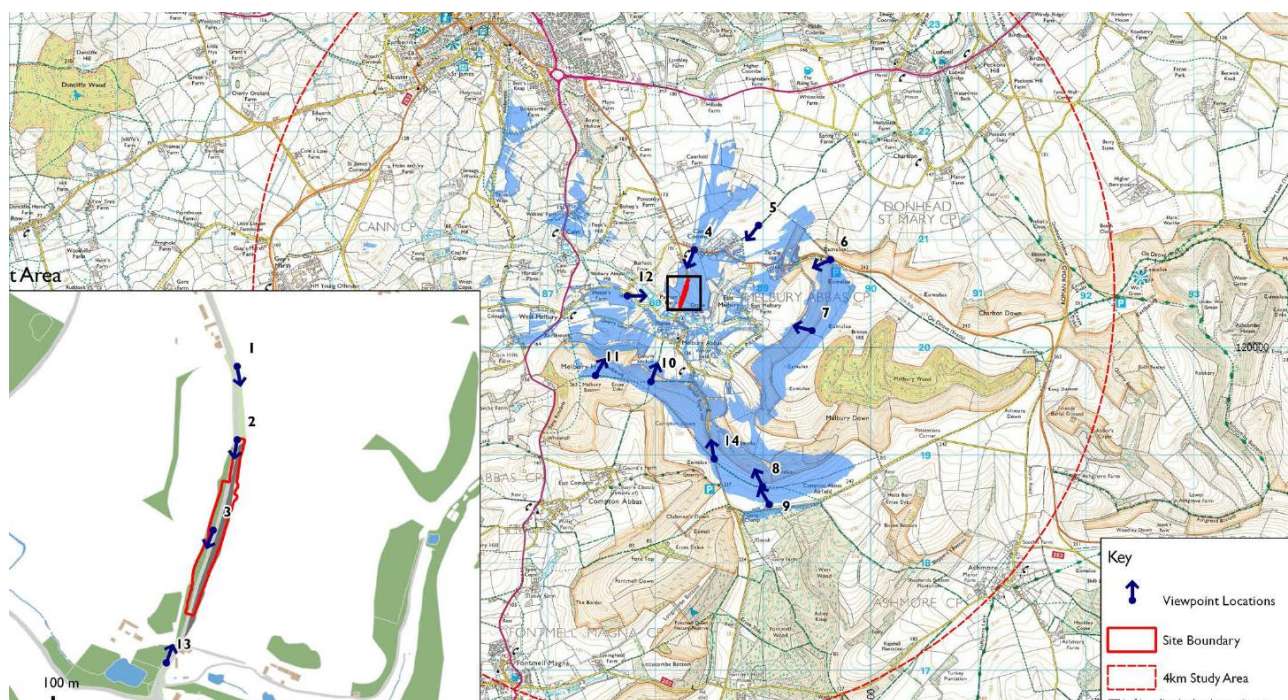
The Council instructed Nicholas Pearson Associates to conduct a Landscape and Visual Impact Assessment (LVIA) which was carried out in July 2015. As a result of changes in the scheme the Council recently instructed Danny Alder (Ecology and Conservation) and Tony Harris (Chartered Landscape Architect) 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) (Appendix E) (Landscape and Ecology Report).

The Landscape and Ecology Report notes the highly sensitive nature of the Order Land due to it being located within The Cranborne Chase National Landscape and therefore it has a high landscape value and high landscape sensitivity.

The Landscape and Ecology Report assessed the visual impact of the Scheme from 14 viewpoints as illustrated on Figure 1 below.



Figure 1- Viewpoints



The effects on visual receptors are summarised in the table below

Viewpoint	Effect
C13 to north of Dinah's Hollow: Representative viewpoint 1 and sequential views in association with 2 and 3.	Moderate magnitude of change in the view resulting in a Moderate Adverse level of effect.  The level of effect will reduce to Slight Adverse- Negligible in the longer term as vegetation regenerates.
C13 within the northern part of Dinah's Hollow: Representative viewpoint 2 and sequential views in association with Viewpoints 1 and 3.	High magnitude of change resulting in a Substantial Adverse level of effect.  The level of effect will reduce to Slight Adverse in the longer term as vegetation regenerates.
C13 within the central part of Dinah's Hollow: Representative viewpoint 3 and sequential views in association with Viewpoints 1 and 2.	High magnitude of change resulting in a Substantial Adverse level of effect. The level of effect will reduce to Slight Adverse in the longer term as vegetation regenerates.
Bridleway to NE of Cann Common: Representative viewpoint 5.	Negligible.
Bridleway to Zig Zag Hill: Representative viewpoint 6.	Negligible.

Open Access land at Breeze: Representative viewpoint 7.	Low-Moderate magnitude of change in the view resulting in a Slight-Moderate Adverse level of effect.  In time, when the proposed planting and management works take effect and mature, this level of effect will be minimised.
Footpath between C13 and Compton Abbas Airfield: Representative viewpoint 8.	A Low magnitude of change in the view resulting in a Slight Adverse level of effect.
Café at Compton Abbas Airfield: Representative viewpoint 9.	Negligible.
Footpath between C13 and Compton Down and Melbury Hill: Representative viewpoint 10.	Moderate magnitude of change in the view resulting in a Moderate Adverse level of effect
Footpath on Melbury Hill:  Representative viewpoint 11.	A low magnitude of change in the view resulting in a Slight Adverse level of effect. In time, when the proposed planting and management works take effect and mature, this level of effect will be minimised.
Melbury Abbas & Cann Common Village Hall:  Representative viewpoint 12.	Negligible magnitude of change in the view resulting in a Slight Adverse level of effect.
C13 to the south of Dinah's Hollow: Representative viewpoint 13.	Medium-High magnitude of change in the view resulting in a Moderate- Substantial Adverse level of effect.  This will reduce to Slight Adverse in the longer term as all vegetation regenerates and grows.
C13 at Spread Eagle Hill:  Representative viewpoint 14.	Medium magnitude of change in the view resulting in a Slight-Moderate Adverse level of effect.  In time, when the proposed planting and management works take effect and mature, this level of effect will be minimised.

As the above table shows, 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 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.

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

- 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 whole 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.

The Council will endeavour to use the Government's Biodiversity Metric to demonstrate that the Scheme delivers a minimum 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 Council will endeavour to deliver the biodiversity gains on-site, or locally off-site, in accordance with the BNG hierarchy.

Species specific mitigation, such as for Dormouse, Badger, bats and any other protected species recorded using the Hollow can only be counted up to the point of 'no net loss'.

The impact associated with the Scheme will make it necessary for the Council to apply to Natural England to obtain a mitigation licence. 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.

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 in section 4, there is no satisfactory alternative to the Scheme; and
- following best practice guidance for protected species such as hazel dormouse and bats; this would involve details of the timing of the Scheme to avoid the most sensitive periods for these species and incorporating 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.

The Landscape and Ecology Report noted evidence of badger activity. However, none of the four setts identified were active during the survey. These will be monitored prior to commencement of the Scheme and where a sett is found which is showing signs of current use by badgers and has been identified at being at risk within the Scheme from disturbance, damage and/or obstruction a licence would be required from Natural England.

Licensing for badger sett interference may be justified where the activities of badgers may cause damage to land which compromises the Scheme or increases the likelihood of serious damage from the burrowing activities of badgers occurring. Where this is deemed to be the case based on expert judgement by a suitably experienced ecologist a licence application would be submitted to Natural England.

Licences are granted by Natural England where there are no satisfactory alternatives and the Scheme will assess the risks accordingly following the mitigation hierarchy to avoid active setts where possible, and where this was unavoidable to mitigate to reduce the risk to a level that would prevent harm.

The Council does not foresee any reason that any required environmental licences would not be granted and therefore does not consider that this will be an impediment to the delivery of the Scheme

## **5 Purpose and justification for use of CPO powers**

The Statement of Reasons annexed at Appendix B sets out the full reasons supporting the Council's use of its CPO powers. In particular, paragraph 10 of the Statement of Reasons specifically sets out the justification for the use of the powers.

Dorset Council is under a duty as Local Highway Authority (**LHA**) to maintain the C13 public highway at Dinah's Hollow which bisects the Order Land existing public highway. The LHA also has a statutory power under S102 of the 1980 Act to undertake works it considers necessary to afford the highway protection from landslide and to protect the users of the highway.

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. The works required to mitigate the risks satisfactorily cannot be undertaken solely within the public highway, so it is necessary to acquire the Order Land in order to carry out the Scheme.

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 if using the C13.

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

The Council has given careful consideration of the need to include each parcel of land and each new right within the Order Land. Without ownership and control of the entire Order Land it is not possible to deliver the Scheme as currently proposed.

As set out in paragraph 4, there are no alternatives to the Scheme which are preferable or which would avoid the acquisition of the Order Land.

Acquiring less land or carrying out a smaller version of the Scheme would not achieve the aims of the Scheme. There are no alternative sites as the nature of the Scheme necessitates stabilising the existing slopes on the Order Land which is essential to improving the safety of the highway and affording it protection from landslide. Alternative methods of dealing with the risks have been considered by the Council and also by an independent consultant (Red Rock) which was commissioned by the Parish Council to consider the options for stabilising the slopes at Dinah's Hollow (see section 4). Both consider that the netting and anchor system (the Scheme) would be the best long term solution, which would allow the road to operate normally again. There is no better or safe alternative which would avoid the acquisition of the Order Land.

Given that there is no certainty that all interests can be acquired by negotiation, the CPO is necessary to ensure the Order Land can be assembled to deliver the Scheme.

Given the timeframe involved in obtaining a CPO and the safety concerns at Dinah's Hollow, the Dorset Council is planning for and initiating the formal CPO procedures in parallel with ongoing negotiations.

## **6 Negotiations for acquisition of the Order Land and new rights with landowners**

Dorset Council is seeking to negotiate with each qualifying person to acquire their interests in the Order Land, in order that compulsory acquisition can be avoided. Attempts to acquire interests are ongoing and will continue alongside and throughout the CPO process, up to possession should the CPO be confirmed.

Dorset Council has appointed Jones Lang LaSalle (**JLL**) to negotiate on its behalf. However, given the safety concerns at Dinah's Hollow, the Council cannot wait for negotiations to break down before commencing the compulsory purchase process.

As set out in section 1 above and Cabinet Report from 9 July (Appendix D), the Council has been planning the Scheme for many years and therefore discussions surrounding the acquisition of the Order Land commenced some time ago, in 2014.

## **6.1 Changes to Design**

As part of the negotiations, the Council has taken on board reasonable representations from the owners of the East Site and the West Site in relation to the Scheme and has made changes to the Scheme design to mitigate the impact on the affected landowners.

- **East Site – Drainage Design**

The proposed drainage was originally an open ditch along the whole length on the top of the east bank.

The landowner objected to the open ditch and Dorset Council considered and adopted the alternative – a pond and bund.

First, the pond was to be constructed on land adjoining the southern boundary of Plot 4. However, the landowner did not agree to the proposal as they wanted to retain the field to the south of Plot 4.

The Council again took on board the representation of the landowner and relocated the pond to the south of Plot 4 which significantly reduced the extent of the land required for the Scheme in the field to the south of Plot 4.

- **East Site – Access Design**

The proposed access was from B3081, via High Barn, using the existing footpath. This would have required permanent installation of an access gate from the B3081 and another gate between the fields currently separated by the hedge along the footpath.

The landowner of the East Site was concerned about intrusion on their farm activities (by the access tracks) as well as security with so many gates, especially the gate from the B3081.

The landowner proposed an alternative location for access from the C13. However, this was not suitable from the Council's perspective due to the vast difference in ground levels.

If the access proposed by the landowner was accepted by the Council, it would have resulted in much bigger land take and adverse impact on the environment by removing a lot more trees on the steep bank to create a ramp from C13.

However, to reduce the impact on the landowner, the Council has amended the Scheme so that access is from the C13, although, the proposed access is further north from the one suggested by landowner. This addresses the landowner's security concerns as the new design only includes one gate on the East Site (which will provide access to the Order Land only) rather than three as initially proposed. The revised design also includes a continuous fence along the East Site boundary between landowner's retained land (following acquisition of the Order Land) and the Order Land.

- **West Site – Access Design**

The Scheme design originally included construction of a new access ramp on the far north end on the west bank.

The landowner advised that the location of the access was unacceptable as it was perceived as an intrusion on farm activities. The Council engaged Early Contractor's Involvement (ECI) with a specialist soil nailing contractor to find an alternative construction method involving access from the highway only.

Notwithstanding the cost increases for the revised construction method, the Council have removed the proposed access via a ramp to the top of the west bank, in order to minimise disruption to the landowner's farm activities and environment.

## **6.2 Negotiations with East Site landowner**

Negotiations with the East Site landowner commenced in 2014 but they were initially reluctant to transfer the land needed for the drainage and stabilising soil nailing to the Council, but given the instability illustrated by the slip in March 2016, changed its position.

Negotiations between the Council's estates surveyor and the East Site landowner's agent continued from 2016 to 2018 and terms were very nearly agreed.

During 2019 and up to April 2021, when funding for the Scheme was finally agreed the Council's Project Manager provided regular updates to the East Site landowner's agent on the progress of reports to Cabinet and reassurance from the Project Manager that the agent's fees and other costs relating to the installation of boreholes would be paid by the Council.

Following approval of the Council's capital programme in April 2021, negotiations appeared to be progressing well with fifteen exchanges of correspondence between the landowner's agent and Dorset Council's Estates Surveyor. However, the negotiations were thrown into disarray at a site meeting on 15 July 2021 at which the landowner refused to accept the construction of a top of bank drainage open ditch as part of the agreement (see 6.1 for further detail of the changes to the East Site drainage design).

From July 2021 onwards, channels of communication between the landowner's agent and the Council's Estate Surveyor remained open with a further site meeting, a further four exchanges of email and numerous telephone calls.

The Council's surveyor attended two meetings in April 2022 with the landowner's agent including one on site with the landowner also present. This was followed by email correspondence in which the landowner raised various matters: environmental impact, rights of access causing injurious effect on landowner's residence, proposed works compound being unsuitable due to power lines and access from the B3081, design/construction of the drainage ditch and tree planting on retained land to mitigate the scheme effect.

Following the meeting in April 2022, the Council amended the drainage proposals on the East Site from an open ditch to a pond and bund.

On 1st of February 2023, Dorset Council appointed JLL to act on its behalf to negotiate with the East Site landowner for acquisition of the East Site. A summary of the negotiations conducted by JLL with the East Site landowner is annexed to the Statement of Reasons which demonstrates the Council has undertaken reasonable steps to negotiate for the acquisition of the East Site and has approached the CPO as a matter of last resort.

JLL met with the East Site landowner's agent on site in May 2023. The East Site landowner raised a number of queries about the Scheme design (including concerns relating to the location of the pond and the bund). Wherever reasonably possible the Council has amended the scheme to minimise the impact on the landowner as set out at 6.1 above and following further discussions with the landowner's agent amended plans were sent to the East Site landowner's agent in August 2023 incorporating a revised drainage (as described at 6.1 above).

The East Site landowner advised that they did not accept the drainage proposals and suggested strip of land along the top of the hollow is re-graded and planted with trees. The trees, once established, and any vegetal growth that develops between the trees, would benefit biodiversity but the Council considers that this will do little to intercept the overland runoff or prevent sediment washing down the face of the Hollow. The runoff can only be intercepted by a ditch or by blocking the pathway of the runoff with a bund and, once intercepted, requires the intercepted water to be managed. The proposed bund and lagoon is, therefore, the most practical solution to intercepting and controlling the overland runoff.

The East Site landowner would prefer the access at a different location on the C13 but as set out at 6.1 above the alternative location would entail the acquisition of more land and would result in an adverse environmental impact. Following detailed discussions and liaison with the East Site landowner, Heads of Terms were issued in May 2024. Negotiations for the acquisition are still ongoing and JLL have sent the landowner's representative five chasing e-mails for the period from May - November 2024.

JLL met with the landowner's agent on 24 October 2024 to discuss the heads of terms and the landowner's agent is currently actively negotiating with the Council's agent.

Although agreement was very nearly reached prior to July 2021, final agreement has yet to have been reached with the landowner of the East Site. Given the need to progress with the Scheme, powers to use compulsory purchase are now required to secure the necessary interests in land.

### **6.3 Negotiations with West Site landowner**

The Council commenced engaging with the West Site landowner in 2014 following publication of the Options Report. A copy of the Options Report was provided to the West Site landowner and a site meeting took place in November 2014 to discuss the likely impact of a soil nailing scheme.

Correspondence with the West Site landowner continued until December 2015 when the Cabinet voted to suspend the Dinah's Hollow scheme.

Negotiations with the West Site landowner were again commenced in June 2021 following Cabinet approval of the Scheme. From June 2021 to October 2021, the Council's Estate Surveyor wrote five times to the landowner, the first two items of correspondence were acknowledged but no response was received to the latter three.

Dorset Council's Estate Surveyor met the West Site landowner on site in June 2022. The landowner remained concerned about the environmental impact of the Scheme, especially in relation to the National Landscape in the area and expressed concerns of possible spray drift from agricultural land on the other side of the hollow affecting his vineyard due to trees being removed as part of the proposed Scheme. Dorset Council's Estate Surveyor was contacted on 12 September 2022 by the landowner's agent to confirm his appointment by the West Site landowner.

On 1st of February 2023, the Council appointed JLL to act on its behalf as property surveyors to negotiate for the acquisition of the West Site. A summary of the negotiations conducted by JLL with the West Site landowner is annexed to the Statement of Reasons which demonstrates the Council has undertaken reasonable steps to negotiate for the acquisition of the West Site and has approached the CPO as a matter of last resort.

JLL attended a site meeting in May 2023 with the owner of the West Site and his representative. The owner of the West Site has raised a number of queries about the Scheme notably around the trees and access (see 6.1 above) Where reasonably possible the Council has amended the scheme to minimise the impact on the landowner as set out in □ above. A revised drawing incorporating the revised access design (see 6.1) was issued to the landowner on 3rd August 2023.

Following detailed discussions and liaison with owner of the West Site, Heads of Terms were issued in February 2024. Since issuing the Heads of Terms, JLL have responded to various queries raised by the landowner relating to planning, TPOs, EIA and drainage. The Council, JLL and WSP engineers also attended a site meeting with the West Site landowner on 15 October 2024. However, terms have not yet been agreed by the landowner. Negotiations for the acquisition are ongoing.

The CPO Guidance makes it clear that that compulsory purchase is intended as a last resort. However, it also recognises that acquiring authorities will need to consider when the land to be acquired will be needed. Therefore, the CPO Guidance recommends that acquiring authorities plan a compulsory purchase timetable in parallel with conducting negotiations. In light of this recommendation, the Council is planning to make the CPO in order to secure the outstanding interests required to enable implementation of the Scheme.

The CPO Guidance also states that making of the CPO may help the Dorset Council to make the seriousness of its intentions clear from the outset, which in turn can encourage those whose land is affected to enter more readily into meaningful engagement.

Although negotiations with landowners have commenced and are ongoing, it is currently envisaged that the land and rights required for the Scheme cannot be assembled within a

reasonable timescale without the use of compulsory purchase powers. Notwithstanding this, the Dorset Council will continue to negotiate for the acquisition of the required land and rights in parallel with the CPO.

## **7 Timetable for Scheme**

Dorset Council is keen to commence the Scheme as soon as reasonably practicable to afford the existing public highway at Dinah's Hollow protection from landslide and Dinah's Hollow and 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, or earlier if the Order Land can be acquired by agreement.

## **8 Section 85 Duty**

As set out above, the Order Land is located within the Cranborne Chase National Landscape and therefore it has a high landscape value and high landscape sensitivity.

The Dorset Council has a duty under section 85 of the Countryside and Rights of Way Act 2000 to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape. Therefore, this duty must be considered in deciding whether to exercise the Council's CPO powers in respect of the Order Land.

As part of designing the Scheme, the Council commissioned a Landscape and Visual Impact Assessment and extensive discussions have taken place between the arboricultural, ecological and landscape officers and the engineering consultants 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.

Further, the Government guidance to local authorities relation to the S85 duty states that the requirement to have regard to conserving and enhancing natural beauty will not override particular considerations which have to be taken into account by relevant authorities in carrying out any function but is intended to ensure that the purpose for which National Landscapes have been designated is recognised as an essential consideration in reaching decisions or undertaking activities impacting upon a National Landscape.

Therefore, the Council's duty to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape does not, for example, override the Council's legal obligations as a Highways Authority under the Highways Act 1980.

It is officers view that the Scheme is essential to improve road safety and afford the highway protection from landslide and that the Scheme has been designed carefully to conserve and enhance the natural beauty of the National Landscape as far as possible. The Council have also carefully previously considered alternative schemes, but the alternatives were discounted because either their effectiveness could not be guaranteed or because they would have detrimental effects on the aesthetics of Dinah's Hollow.

## **9 Public Sector Equality Duty and Equality Impact Assessment**

All public sector acquiring authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. This means that they must have 'due regard' or think about the need to:

- eliminate unlawful discrimination;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster or encourage good relations between people who share a protected characteristic and those who do not.

A full Equality Impact Assessment (EQIA) has been undertaken to assess the impact on protected groups of the making of the CPO and the implementation of the Scheme, in line with the Equality Act 2010 and no issues are expected.

The EQIA will be monitored and reviewed throughout the CPO process to ensure that any future impact can be measured and mitigated against as necessary.

## **10 Human Rights Implications**

The Human Rights Act 1998 incorporated the European Convention on Human Rights (Convention) into UK Law. The Convention includes provisions which aim to protect the rights of the individual (including companies and similar bodies). In resolving to make the CPO the Council must consider the rights of the property owners affected by the CPO, should it be confirmed and under Article 1 of the First Protocol (**A1P1**) and Article 8 of the Convention.

As the land to be acquired does not include any dwellings it is considered that Article 8 of the Convention is not directly applicable (A1P1). However, it is acknowledged that the compulsory acquisition of the Order Land could amount to an interference with the human rights of those with an interest in the land and new rights to be acquired. In this instance, the Council considers that there is a compelling case in the public interest for the compulsory acquisition of the Order Land that outweighs any interference with such rights and therefore the use of compulsory purchase powers in this matter is proportionate.

Without the use of these powers, it is possible that all the land necessary to deliver the Scheme may not be made available within a reasonable timescale, which would prolong the risk to safety of highway users.

Furthermore, the compulsory purchase process clearly provides for those affected to have a right to object prior to it being confirmed and any objection will be considered by an independent inspector appointed by the Secretary of State for Transport. Any objection may also be considered at a public inquiry held to consider the confirmation of the CPO. Notwithstanding this, any person affected by the proposed CPO will be entitled to compensation pursuant to and subject to the Compensation Code.

## **Appendices**

Appendix A Compulsory Purchase Order

Appendix B Statement of Reasons



Bridge and Structures Team:  
Dinah's Hollow CPO

Appendix C Order Map  
Appendix D Cabinet Report (9<sup>th</sup> July 2024)  
Appendix E Landscape and Ecology Report

**Recommendation action agreed:**

Signed:

A handwritten signature in black ink, appearing to be 'Jan Britton', written in a cursive style.

Date: 6 December 2024

Jan Britton  
Executive Director for Place

**Appendix A**  
**Compulsory Purchase Order**

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

**THE HIGHWAYS ACT 1980**

**AND THE ACQUISITION OF LAND ACT 1981**

The Dorset Council (in this order called “the acquiring authority”) makes the following order—

1. Subject to the provisions of this order, the acquiring authority is hereby authorised under section 102, 239, 249 and 250 of the Highways Act 1980 to purchase compulsorily the land and the new rights over land described in paragraph 2 for the purpose of improving 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.
2. (1) The land authorised to be purchased compulsorily under this order is the land described in the Schedule and delineated and shown shaded pink on a map prepared in duplicate, sealed with the common seal of the acquiring authority and marked “Map referred to in The Dorset Council (Dinah's Hollow Improvement Scheme) Compulsory Purchase Order 2024”.  
  
(2) The new rights to be purchased compulsorily over land under this order are described in the Schedule and the land is shown shaded blue on the said map.
3. Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 are hereby incorporated with this order subject to the modifications that the references in the said Parts of Schedule 2 to this order shall be construed as references to the land authorised to be purchased or, as the case may be, to the land over which rights are authorised to be acquired and any buildings or works to be constructed thereon.
4. (1) In this paragraph “the order land” means the land referred to in paragraph 2;  
  
(2) As from the date on which this order becomes operative or the date on which the order land, or any part of it, is vested in the acquiring authority whichever is the later, that land or that part of it which is vested (as the case may be) shall be discharged from all rights, trusts and incidents to which it was previously subject.  
  
(3) As from the date on which this order becomes operative or the date on which any new right is vested in the acquiring authority, whichever is the later, the land over which the new rights is acquired shall be discharged from all rights, trusts and incidents to which it was previously subject so far as their continuance would be inconsistent with the exercise of that new right.

## **SCHEDULE**

### **LAND TO BE PURCHASED AND NEW RIGHTS**

**Table 1**

Number on Map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
1	All interests to be acquired (excluding mines and minerals) in 1807.1 square metres of woodland west of the C13 and being part of land known as Parhams Farm, Dinahs Hollow, Melbury Abbas, Shaftesbury SP7 0DE.	Roy Phillips and Lavinia Phillips Parhams Farm Dinahs Hollow Melbury Abbas Shaftesbury Dorset SP7 0DE  Sir Richard Lindsay Glyn Bt Gaunts House Petersham Lane Gaunts Wimborne BH21 4JQ (in respect of timber and mines and minerals)	-	-	Owner
2	All interests to be acquired (excluding mines and minerals) in 3592.4 square metres of woodland east of the C13 and north of Spring House, being part of land known as Higher Barn Farm and Oak Tree Cottage, Cann Common, Shaftesbury SP7 0DL.	Maurice Flower & Son Limited The Ridge Chilmark Salisbury SP3 5AB  Sir Richard Lindsay Glyn Bt Gaunts House Petersham Lane Gaunts Wimborne BH21 4JQ (in respect of timber and mines and minerals)	-	-	Owner

Number on Map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
3	Rights to: 1. lay, use, inspect, cleanse, maintain and replace drains and associated inspection chambers; 2. erect temporary fencing; 3. remove and replace the existing fence; and 4. install, retain and maintain soil nails at a depth of not less than 0.5 metres below the current surface level over 521.8 square metres of pasture land east of the C13 and north of Spring House, and being part of land known as Higher Barn Farm and Oak Tree Cottage, Cann Common, Shaftesbury SP7 0DL.	Maurice Flower & Son Limited The Ridge Chilmark Salisbury SP3 5AB  Sir Richard Lindsay Glyn Bt Gaunts House Petersham Lane Gaunts Wimborne BH21 4JQ (in respect of timber and mines and minerals)	-	-	Owner
4	All interests to be acquired (excluding mines and minerals) in 3075.3 square metres of arable land east of the C13 and being part of land known as Higher Barn Farm and Oak Tree Cottage, Cann Common, Shaftesbury SP7 0DL.	Maurice Flower & Son Limited The Ridge Chilmark Salisbury SP3 5AB  Sir Richard Lindsay Glyn Bt Gaunts House Petersham Lane Gaunts Wimborne BH21 4JQ (in respect of timber and mines and minerals)	-	-	Owner
5	All interests to be acquired (excluding mines and minerals) in 480.8 square metres of arable land east of the C13 and being part of land known as Higher Barn Farm and Oak Tree Cottage, Cann Common, Shaftesbury SP7 0DL.	Maurice Flower & Son Limited The Ridge Chilmark Salisbury SP3 5AB  Sir Richard Lindsay Glyn Bt Gaunts House Petersham Lane Gaunts Wimborne BH21 4JQ (in respect of timber and mines and minerals)	-	-	Owner

Number on Map  (1)	Extent, description and situation of the land  (2)	Qualifying persons under section12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
6	All interests to be acquired (excluding mines and minerals) in 1071.2 square metres of arable land east of the C13 (opposite Dinas House) and being part of land known as Higher Barn Farm and Oak Tree Cottage, Cann Common, Shaftesbury SP7 0DL.	Maurice Flower & Son Limited The Ridge Chilmark Salisbury SP3 5AB  Sir Richard Lindsay Glyn Bt Gaunts House Petersham Lane Gaunts Wimborne BH21 4JQ (in respect of timber and mines and minerals)	-	-	Owner
7	A right to install, retain and maintain soil nails at a depth of not less than 0.5 metres below the current surface level of 1550.2 square metres of pasture and grassland to the west of the C13 and to the east of the vineyard and being part of land known as Parhams Farm, Dinahs Hollow, Melbury Abbas, Shaftesbury SP7 0DE.	Roy Phillips and Lavinia Phillips Parhams Farm Dinahs Hollow Melbury Abbas Shaftesbury Dorset SP7 0DE  Sir Richard Lindsay Glyn Bt Gaunts House Petersham Lane Gaunts Wimborne BH21 4JQ (in respect of timber and mines and minerals)	-	-	Owner

**Table 2**

Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of Interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
1	-	-	Southern Electric Power Distribution plc No.1 Forbury Place 43 Forbury Road Reading RG1 3JH	Overhead electric lines.
2	-	-	Southern Electric Power Distribution plc No.1 Forbury Place 43 Forbury Road Reading RG1 3JH	Overhead electric lines.
3	-	-	Southern Electric Power Distribution plc No.1 Forbury Place 43 Forbury Road Reading RG1 3JH	Overhead electric lines.
4	-	-	-	-
5	-	-	-	-
6	-	-	-	-
7	-	-	Southern Electric Power Distribution plc No.1 Forbury Place 43 Forbury Road Reading RG1 3JH	Overhead electric lines.



Dated this                      day of                      2024

**THE COMMON SEAL** of                      )

**DORSET COUNCIL**                      )

was hereunto                      )

affixed and attested by                      )

.....

Authorised Signatory

**Appendix B**  
**Statement of Reasons**



**Dated**

**2024**

## **Statement of Reasons**

**The Dorset Council (Dinah's Hollow Improvement Scheme) Compulsory Purchase Order  
2024**

## Contents

1	Introduction .....	4
2	Background to Dinah's Hollow and the Order Land .....	5
3	Background to the Scheme .....	11
4	Description of the Scheme .....	16
5	Need for the Scheme.....	20
6	Alternatives to the Scheme.....	22
7	Environmental impact .....	25
8	Third party interests in and rights over the Order Land .....	30
9	Negotiations for the acquisition of the Order Land and new rights over the Order Land .....	30
10	Justification for CPO.....	34
11	Human Rights Act and Public Sector Equality Duty .....	35
12	The Mining Code .....	36
13	Deliverability .....	37
14	Assistance to those affected by the CPO .....	38
15	Additional information .....	39
16	The CPO, Order Map and Statement of Reasons .....	40
17	Supporting documents .....	40
	Appendix 1 Documents List.....	41
	Appendix 2 JLL Negotiation Summary Log (Landowner of the East Site).....	42
	Appendix 3 JLL Negotiation Summary Log (Landowner of the West Site).....	43

## Index

Figures are included in the Statement of Reasons as a visual aid. Full sized copies of the Figures listed in the below table are available at the locations listed in section 16.

Figure	Document	Drawing No.
1	Location of Dinah's Hollow	
2	Cross-section of Dinah's Hollow	
3	Map showing the C13 at Dinah's Hollow	
4	Order Map	BS4958_650_00_A
5	Public footpath numbered N59/24/ and approximate relocated stile	
6	Site Compound	BS4958_635_01_Orig
7	Re-opening the C13 without mitigation	
8	Re-opening the C13 without mitigation	
9	March 2016 landslide from the East Site	
10	March 2016 landslide from the East Site	
11	October 2021 landslide from the East Site	
12	October 2023 landslide on the West Site	
13	Combined Tree Works Sheet 1	70092067-WSP-3000-DRW-004
14	Combined Tree Works Sheet 2	70092067-WSP-3000-DRW-005
15	Typical section through earth bund	BS4958_634_SK_Orig
16	Plan of Southern Electric overhead lines on the Order Land	
17	Viewpoints	
18	Tree Preservation Order Plan	

## Statement of Reasons

### 1 Introduction

#### 1.1 Purpose of Statement

- 1.1.1 Dorset Council (the **Council**) of County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ has made The Dorset Council (Dinah's Hollow Improvement Scheme) Compulsory Purchase Order 2024 (**CPO**) under sections 102, 239, 249 and 250 of the Highways Act 1980 (**1980 Act**).
- 1.1.2 Section 239 of the 1980 Act enables the Council to acquire land compulsorily for the improvement of a highway authorised to be carried out under the 1980 Act.
- 1.1.3 Section 102 of the 1980 Act provides that the highways authority may provide and maintain such works as they consider necessary for the purpose of affording to the highway protection against snow, flood, landslide or other hazards of nature and those works may be provided on the highway or on land which, or rights over which, has or have been acquired by the highway authority.
- 1.1.4 Section 249 of the 1980 Act prescribes distance limits from the highway for the acquisition of land for certain purposes. However, Section 249(3)(c) of the 1980 Act states that the distance limits do not apply to land required for purposes connected with the drainage of a highway or required for the purpose of providing protection for a highway against snow, flood, landslide or other hazards of nature.
- 1.1.5 Section 250 of the 1980 Act allows the Council as the highway authority to acquire rights over land, both by acquisition of those already in existence, and by the creation of new rights.
- 1.1.6 The CPO has been made to enable the delivery of Dinah's Hollow Improvement Scheme (**the Scheme**) which will improve the existing highway at Dinah's Hollow and afford it protection against landslide.
- 1.1.7 Dorset Council seeks confirmation of the CPO from the Secretary of State for Transport.
- 1.1.8 Dorset Council is both the Local Planning Authority (**LPA**) and also the Local Highway Authority (**LHA**).
- 1.1.9 As LHA, the Council has a duty under Section 41 of the 1980 Act to maintain public highways.
- 1.1.10 Dorset Council has sought to acquire by agreement the required interests in the land in order to deliver the Scheme (**the Order Land**). In doing so, it has taken full account of the Ministry of Housing, Communities and Local Government's Guidance on the Compulsory Purchase Process (**the CPO Guidance**), which provides guidance to acquiring authorities on the use of compulsory purchase powers and the Department for Transport's (**DfT**) 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 (**DfT Guidance Note**).

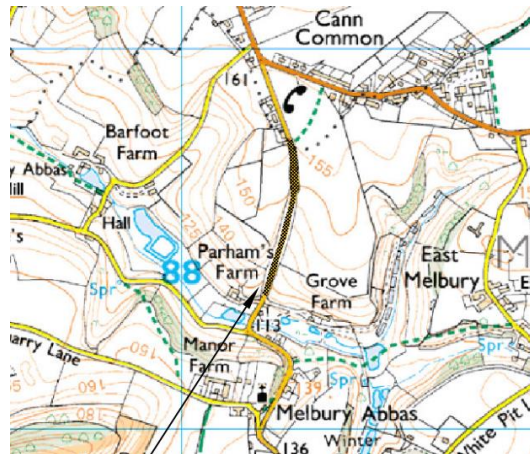
- 1.1.11 The CPO Guidance makes clear that compulsory purchase is intended as a last resort in the event that efforts to acquire by agreement fail. However, the CPO Guidance also recognises that acquiring authorities will need to consider when the land to be acquired will be needed. Therefore, the CPO Guidance recommends that acquiring authorities plan a compulsory purchase timetable in parallel with conducting negotiations. In light of that recommendation, Dorset Council has made the CPO in order to secure the outstanding interests required to enable implementation of the Scheme. Nevertheless, Dorset Council remains committed to continuing discussions with the landowners with a view to seeking to acquire all necessary land and rights by agreement.
- 1.1.12 On confirmation of the CPO, Dorset Council intends to either serve Notices to Treat and Notices of Entry or execute General Vesting Declarations, as the case may be, in order to secure title to or new rights over the respective parts of the Order Land.
- 1.1.13 This Statement of Reasons is a non-statutory document and it is provided in line with the advice in the CPO Guidance. It describes the aim and purpose of the Scheme, as well as the reasons, deliverability and purposes for making the CPO on the basis of the satisfaction of the following principles:
- (a) the justification and need for the Scheme and the CPO;
  - (b) the availability of funding;
  - (c) the availability of all the land required and the reasons why all the land identified is necessary; and
  - (d) confirmation that there are no impediments to the Scheme.
- 1.1.14 This document demonstrates that there is a compelling case in the public interest for confirmation of the CPO.

## **2 Background to Dinah's Hollow and the Order Land**

### **2.1 Introduction**

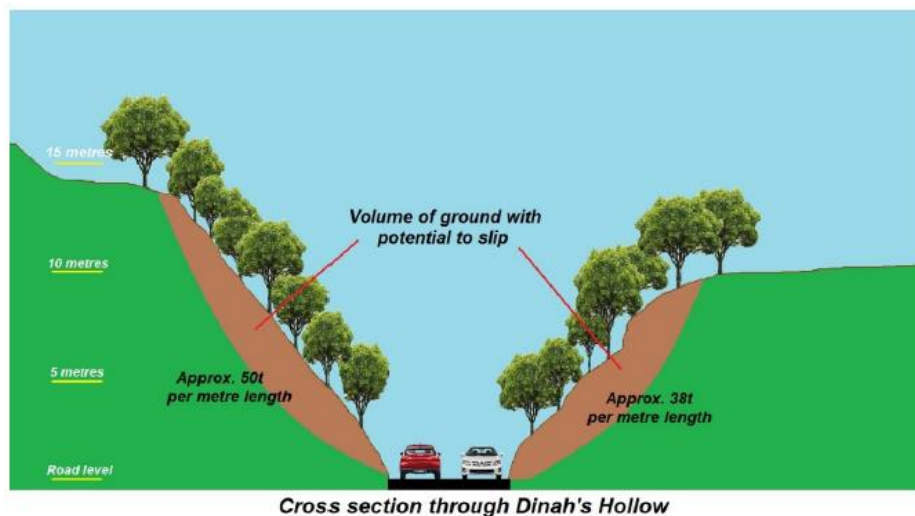
- 2.1.1 Dinah's Hollow is a 350m south/ north length of the C13 linking the north of Blandford Forum with Shaftesbury, Dorset as shown hatched black on Figure 1 below.

**Figure 1 – Location of Dinah's Hollow**



- 2.1.2 Dinah's Hollow consists of a deep steep man-made cutting which has been formed by the passage of vehicles over time and comprises a single carriageway road, which forms part of the C13, with unstable steep, densely vegetated slopes on either side. The steep slopes dip towards the highway such that the highway itself is located in a 'hollow'. Figure 2 below illustrates a cross-section of Dinah's Hollow.

**Figure 2 – Cross-section of Dinah's Hollow**



- 2.1.3 The slopes at Dinah's Hollow contain a mixture of mature and semi-mature trees together with an understorey of hazel, holly and elder together with a variety of ground flora including ivy, ground elder, ferns, nettles, brambles and wildflowers. Many of the more notable mature trees are located on the middle and upper slopes.
- 2.1.4 The C13 runs parallel to the A350 between Blanford and the B3081 at Cann Common, passing through one village, Melbury Abbas and the Cranborne Chase and West Wiltshire Downs National Landscape as shown on Figure 3 below. It operates as part of an advisory heavy goods vehicles (HGV) route taking HGV traffic northbound along the A350 and southbound along the C13. The one-way advisory route was introduced to prevent two HGVs/low goods vehicles (LGV)



meeting in opposite directions at the various pinch points (including at Dinah's Hollow). The advisory route is signposted by internationally recognised HGV Advisory route signing (white on black HGV symbols).

- 2.1.5 The C13 is classified by the LHA as a Main Distributor Route and is a busy route which was recorded in the vicinity of Dinah's Hollow as having an annual average daily traffic flow figure of 5803 for the 2023 calendar year.

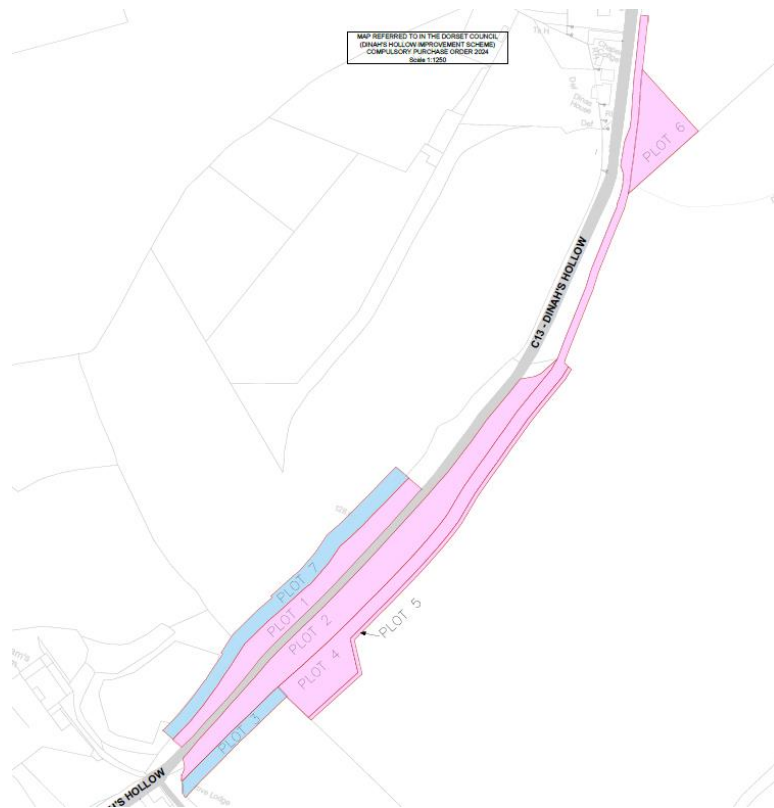
**Figure 3 – Map showing the C13 at Dinah's Hollow**



## 2.2 Description of the Order Land

- 2.2.1 The extent of the Order Land is illustrated on the CPO map appended to the CPO. Individual plot boundaries and numbers on the CPO map correspond with the Schedule to the CPO.
- 2.2.2 The Order Land comprises two distinct parcels of land either side of the C13 at Dinah's Hollow:
- (a) Plot 1 shown edged red and shaded pink and plot 7 shown edged red and shaded blue on the Order Map (see Figure 4 below) (**West Site**); and
  - (b) 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 (See Figure 4 below) (**East Site**).

**Figure 4 – Order Map**



2.2.3 The Order Land comprises:

- (a) 10026.8m<sup>2</sup> of land to be acquired permanently shown edged red and shaded pink on the CPO Map; and
- (b) 2072m<sup>2</sup> of land over which new rights are sought under section 250 of the 1980 Act and which is shown coloured blue on the CPO map

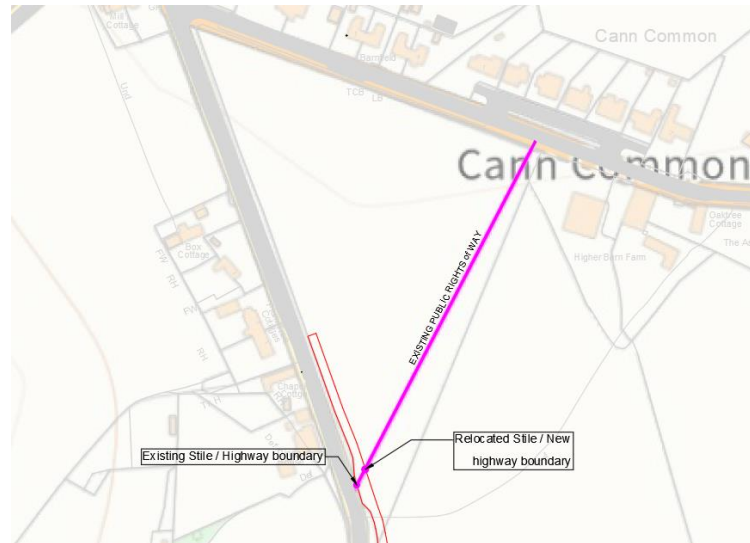
of woodland, pasture and arable land.

2.2.4 The woodland parts of the Order Land are heavily vegetated and include approximately 218 trees.

2.2.5 The Order Land is within the Cranborne Chase and West Wiltshire National Landscapes designated under the National Parks and Access to the Countryside Act of 1949.

2.2.6 Public footpath numbered N59/24/ shown by the purple line on Figure 5 below crosses Plot 6. The footpath is accessed from B3081 and the C13 (Dinah's Hollow) and provides a connection between the two highways. The footpath does not appear to be well used as both access points are overgrown. This is evidenced by the following utilisation surveys undertaken by the Council. Between 11<sup>th</sup> October 2022 and 2 December 2022 the Council installed a sensor on the footpath which recorded a total of 18 passes during the daytime within this period. However, the Council suspected that these passes may have been animals and therefore it commissioned a camera survey. A camera was installed on the footpath and for the period 19<sup>th</sup> January 2023 to midday 24<sup>th</sup> January 2023 which did not observe anyone utilising the footpath.

**Figure 5 – Public footpath numbered N59/24/ and the approximate position of the relocated stile**



2.3 As set out at 13.4 below, the footpath will be temporarily closed throughout the 12 month construction phase of the Scheme but will re-open following completion of the Scheme. As part of the Scheme Dorset Council will move the existing stile from its present location to the new public highway boundary as illustrated approximately on Figure 5 above.

#### 2.4 Purpose of acquiring Order Land

2.4.1 Table 1 below shows the purposes for acquiring each plot of the Order Land for the Scheme. The purposes noted are generic, to cover in broad terms how the land is to be used.

**Table 1 – Acquisition purpose**

Plot	Acquisition purpose
Plot 1	Installation of soil nails and mesh.
Plot 2	Installation of soil nails and mesh.
Plot 3 (new rights only)	<p>New rights to:</p> <ol style="list-style-type: none"> <li>1. lay, use, inspect, maintain, replace and cleanse drains and associated inspection chambers;</li> <li>2. erect temporary fencing;</li> <li>3. remove and replace the existing fence; and</li> <li>4. retain, maintain and replace soil nails (which will be installed from within plot 1 and extend physically underground plot 3).</li> </ol>
Plot 4	<p>Installation of drainage (earth bund and settlement lagoon) and to retain soil nails (which will be installed from within plot 2 and extend physically underground plot 4).</p> <p>Ecology mitigation.</p>

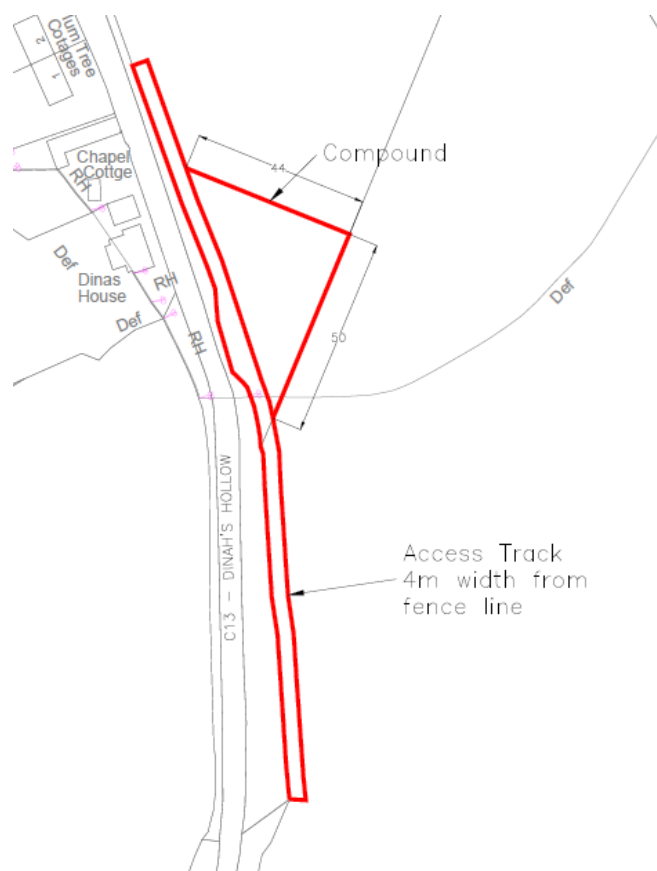
Plot	Acquisition purpose
	Creation of an access track for construction and future maintenance of the works.
Plot 5	Necessary for construction of the scheme.
Plot 6	Site compound area.
Plot 7 (new rights only)	New rights to install, retain and maintain, replace soil nails beneath the surface of Plot 7 (which will be installed from within plot 1 but extend physically underground plot 7).

- 2.4.2 The Council has carefully considered the purpose for acquiring each plot and has had regard to the DfT Guidance Note in determining whether full title to each plot is required or whether the acquisition of new rights would be sufficient.
- 2.4.3 The DfT Guidance Note indicates that where an acquiring authority wishes to carry out works which *'will, to all intents and purposes, deprive the landowner permanently of beneficial use of the land in such cases full title to the land would be appropriate'*.
- 2.4.4 Full title to plots 1, 2 and 4 is required as the Council considers that the works to be completed by the Council as part of the Scheme are such that they would permanently deprive the landowner of any beneficial use of the land. As illustrated on Figures 13 and 14 below, soil nails and a mesh will be installed on plots 1 and 2 and creation of the bund and lagoon and future access on plot 4.
- 2.4.5 Full title to plots 5 and 6 are required as the Council requires exclusive possession of the same throughout the construction phase of the Scheme. The 1980 Act does not permit temporary acquisition. Moreover, the Council considers that the occupation of the areas of land to the exclusion of the landowner for the periods required is not a matter which can properly be secured through the compulsory acquisition of new rights over land. If a negotiated settlement cannot be reached, the areas in question (which are to be used for the construction of the Scheme only), would need to be acquired and then sold back to the relevant landowners after the Scheme has been completed. However, Dorset Council is continuing to negotiate with the landowner for the temporary use of the land throughout the Scheme construction phase. Further details of the temporary occupation are set out further in 2.5 below.
- 2.4.6 New rights are sufficient with regards to plot 3 and plot 7 as the Council considers that: the works undertaken on these plots would not permanently deprive the relevant landowner of any beneficial use of the land.

## 2.5 Temporary occupation

- 2.5.1 As set out in Table 1 above and paragraph 2.4.5, plot 5 is required temporarily for construction purposes throughout the construction phase of the Scheme.
- 2.5.2 The Scheme necessitates the temporary use of an area of land as a site compound area to facilitate the construction of the Scheme. The compound area is located on plot 6 and is illustrated on Figure 6 below. The location of the compound has been carefully considered by the Council to have the least impact on the landowners and ecology as possible. If the compound was located

elsewhere it would necessitate removal of trees and would have a more adverse impact on the relevant landowner (part of the chosen compound area is not currently used for farming activities).



### 3 Background to the Scheme

### 3.2 History of the Scheme

3.2.2 In July 2012, a landslide occurred at the Beaminster Tunnel which resulted in two fatalities, prompting Dorset Council to carry out a review of similar slopes across the County.

- (a) prolonged and intense rainfall possibility resulting from climate change;

- (b) changes in surface water area run-off;
  - (c) vegetation condition; or
  - (d) further under-cutting of the road by vehicles.
- 3.2.4 The Stability Report further concluded that Dorset Council should carry out an engineering scheme to provide an adequate factor of safety for the passage of vehicles through Dinah's Hollow.
- 3.2.5 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. However, the closure created significant issues for local residents and the road network.
- 3.2.6 Following the temporary closure of the C13, a risk assessment was carried out in May 2015 following discussions with technical officers within the Council, its insurers and Parsons Brinckerhoff. The risk assessment considered the following scenarios:
- (a) re-opening the C13 on a temporary basis;
  - (b) re-opening the C13 to HGVs only on a temporary basis;
  - (c) retaining the C13 road closure until January 2016 (assuming the required land could be acquired by agreement); and
  - (d) retaining the C13 road closure until August 2017 (assuming that the exercise of compulsory acquisition powers would be required).

A copy of the risk assessment for re-opening the C13 without mitigation measures is shown on Figure 7 below.

**Figure 7 – Re-opening the C13 without mitigation**

Risk Description	Risk Category	Notes	Impact	Likelihood	Risk Score	Rating
<b>Increase in maintenance costs</b> <b>Increase in staff costs</b> <b>Increase in cost for TM on other roads</b> <b>Increase in final construction costs</b>	<b>Financial</b>	Although there would be minor ongoing costs associated with the continuing maintenance, these costs would be much lower than those for maintaining the highway during a long closure.	<b>1</b>	<b>5</b>	<b>5</b>	<b>Medium</b>
<b>Negative impact on the Council's strategic priorities</b> (Enabling Economic Growth, Health, Wellbeing & Safeguarding)	<b>Strategic Priorities</b>	Negligible impact on the Council's strategic priorities. Re-opening the C13 has a positive bearing on the Council's "Economic Growth" priority.	<b>1</b>	<b>1</b>	<b>1</b>	<b>Low</b>

Risk Description	Risk Category	Notes	Impact	Likelihood	Risk Score	Rating
<b>Risk of fatality or serious injury</b> <b>Damage to the highway network</b> <b>Damage to property</b>	<b>Health &amp; Safety</b>	The impact of one or both of the slopes in Dinah's Hollow failing should not be underestimated. From a likelihood perspective, the risk is based on the potential for a "one time event", as against the health and safety risks within the other three main scenarios where collisions are recognised as being potentially more regular events. The Likelihood ranking noted within this risk assessment has been agreed in conjunction with the professional consultants Parsons Brinckerhoff and the Council's liability insurer.	5	2	10	Medium
<b>Sustained and long-term negative public attention</b>	<b>Reputation</b>	There will be reputational damage in the short term, but this will quickly reduce.	2	5	10	Medium
<b>Negative impact on service delivery</b> (delivering the Council's core functions)	<b>Service Delivery</b>	Negligible impact on service delivery.	1	1	1	Low
<b>Total</b>					<b>27</b>	

- 3.2.7 The impact from a risk of fatality or serious injury was rated at the highest level (5) which equates to fatalities or multiple serious injuries.
- 3.2.8 An overall risk score of "15" or above is deemed high and the risk of re-opening the C13 without mitigation was assessed with a score of 27, illustrating significant risks associated with the road in its current form without any mitigation works being carried out.
- 3.2.9 The risk assessment for re-opening with mitigation measures (see 3.2.10 below for details of the measures) below (Figure 8), shows that even with mitigation, the overall risk score was 20, which is still deemed as a high risk in accordance with the risk grading guidance.

**Figure 8 – Re-opening the C13 with mitigation**

Risk Description	Risk Category	Notes	Impact	Likelihood	Risk Score	Rating
<b>Increase in maintenance costs</b> <b>Increase in staff costs</b> <b>Increase in cost for TM on other roads</b>	<b>Financial</b>	There would be costs associated with the mitigation works (£100,000), but these would be low in relation to the costs of the overall project.	1	5	5	Medium



Risk Description	Risk Category	Notes	Impact	Likelihood	Risk Score	Rating
<b>Increase in final construction costs</b>						
<b>Negative impact on the Council's strategic priorities</b> (Enabling Economic Growth, Health, Wellbeing & Safeguarding)	<b>Strategic Priorities</b>	Low risk. No further mitigation proposed	1	1	1	Low
<b>Risk of fatality or serious injury</b> <b>Damage to the highway network</b> <b>Damage to property</b>	<b>Health &amp; Safety</b>	Installing various traffic management works, such as single lane working through Dinah's Hollow, traffic signals/"give and take", average speed cameras, etc. will help to mitigate the potential risk of an incident involving death or serious injury from occurring.	5	1	5	Medium
<b>Sustained and long-term negative public attention</b>	<b>Reputation</b>	Ensure that communication is clear and transparent, including an explanation as to why we had to initially close the road because of the danger of slope failure pending further analysis. The actual risk to the network as a whole, is now greater than this risk.	2	4	8	Medium
<b>Negative impact on service delivery</b> (delivering the Council's core functions)	<b>Service Delivery</b>	Low risk. No further mitigation proposed	1	1	1	Low

**Total      20**

- 3.2.10      The Council's Cabinet resolved to re-open the C13 with temporary traffic management restricting traffic to alternate single lane running with barriers directing vehicles down the centre of the carriageway. The road remains open with these temporary measures in place, however, a long-term solution is required to reduce the risk of exposure to harm.
- 3.2.11      From July 2015 to December 2015 Dorset Council continued work towards refining the design of the slope stabilisation.
- 3.2.12      In December 2015 the Scheme was temporarily placed on hold whilst the Council considered funding options for the Scheme.
- 3.2.13      On 9 March 2016 approximately 35 tonnes of soil slipped from the Order Land into the road and displaced concrete barriers. This is illustrated by the photographs at Figure 9 and 10 below.



**Figure 9 – March 2016 landslide from the East Site**



**Figure 10 – March 2016 landslide from the East Site**



- 3.2.14 The photographs illustrate that the slip displaced the concrete barriers installed by the Council. Clearly, if a vehicle had been travelling across the highway at the time of the slippage there could have been a serious accident.
- 3.2.15 WSP were instructed by Dorset Council to assess the landslide and their conclusions are set out in a memo dated 17 March 2016 (the **WSP Memo**). The WSP Memo identified the trigger of the landslide 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.
- 3.2.16 In October and November 2021, following heavy rain another three slips occurred from the east bank. The October 2021 slip overspilled the concrete barriers as illustrated by Figure 11 below.

**Figure 11 – October 2021 landslide from the East Site**



- 3.2.17 In October 2023 a slip occurred at Dinah's Hollow from the West Site onto the public highway. Figure 12 below illustrates material slippage from the bank onto the road (behind the concrete barriers).

**Figure 12 – October 2023 landslide on the West Site**

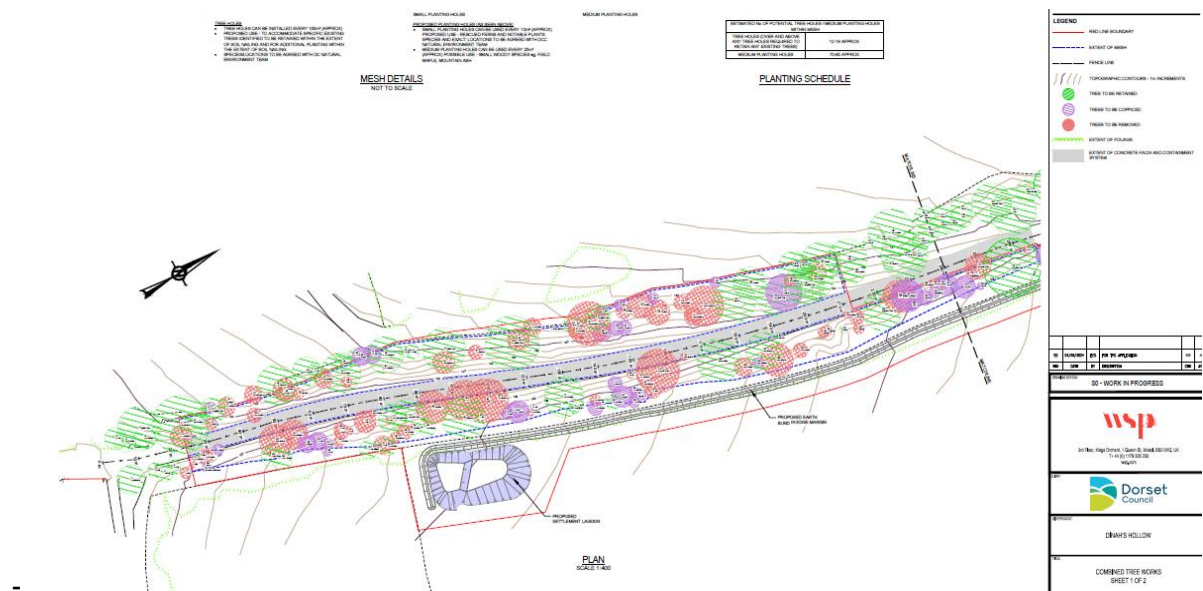


#### **4 Description of the Scheme**

- 4.1 The Scheme has been designed to afford the C13 at Dinah's Hollow protection from landslide on the Order Land and to improve the safety of the public highway. The Scheme comprises the following key measures (as shown on Figures 13-15 below):
- 4.1.1 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;

- 4.1.2 a high tensile flexible facing system comprising steel wire mesh with associated nail plates, steel wire anchor ropes and fixings as required;
- 4.1.3 high containment kerb and a hard slope facia system with a combined typical height of 1.5m, running along the toe of the slopes;
- 4.1.4 openings will be created within the mesh for identified existing trees and for planting holes;
- 4.1.5 sections of the slope will be reprofiled;
- 4.1.6 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;
- 4.1.7 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.

**Figure 13 – Combined Tree Works Sheet 1**



- 4.2 Figures 13 above and 14 below show the extent of soil nails and flexible facing system-tensile mesh, location of trees affected by the engineering works, mesh detail for replanting, planting schedule and drainage on the East Site comprising of an earth bund and lagoon.



[illegible]

- Figure 15 – Typical section through earth bund**



- Page 18

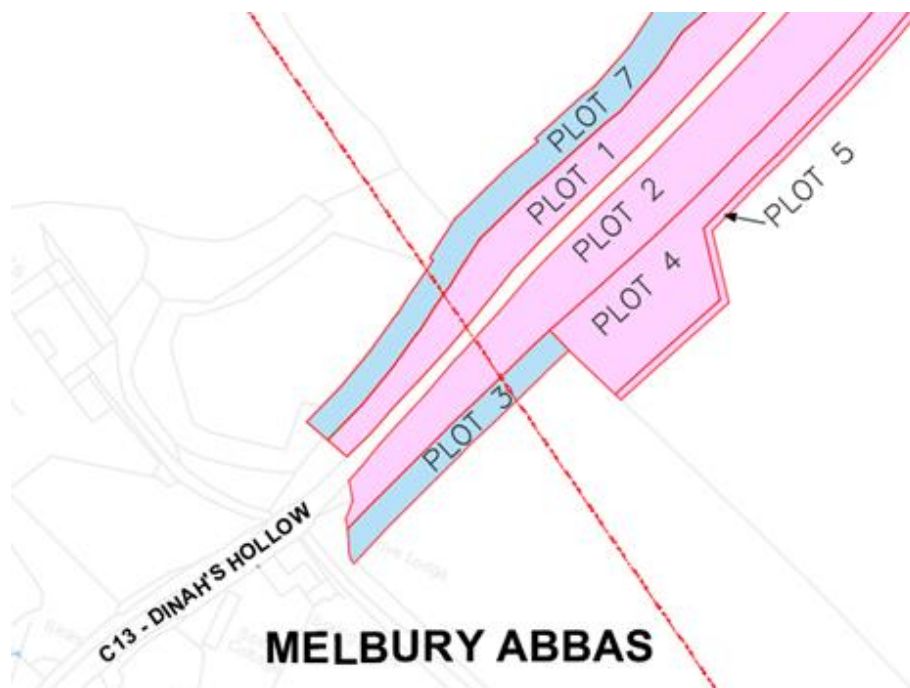
creation of the lagoon is to be used in formation of the earth bund to retain local soil and minimise impact on the environment.

- 4.5 The proposed bund and lagoon in the East Site, has been included as part of the Scheme following the landslide in March 2016 (see 3.2.13 for further details) as overland runoff from the topography of the East Site was a probable cause of the landslide.
- 4.6 The need for the lagoon is two-fold:
  - 4.6.1 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
  - 4.6.2 to trap sediment in the overland runoff and holding the water in place and filtering it through a proposed gravel or rockfill barrier.
- 4.7 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.
- 4.8 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 should be progressed and noted that for full mitigation of the risk of landslide through Dinah's Hollow, work was needed on both sides of the highway.
- 4.9 Dorset 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.
- 4.10 The 2022 Review report concluded that the detailed design remains adequate and conforms to current design standards for slope stabilisation.
- 4.11 As part of the Scheme 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.
- 4.12 **Statutory Services**
  - 4.12.1 There are overhead Southern Electric Power Distribution plc (**Southern Electric**) 11kV high voltage electricity services on the Order Land (as shown approximately with a dashed red line on Figure 16 below), however these will not be affected by

the Scheme as appropriate distances from the overhead lines will be maintained at all times.

- 4.12.2 There is a Southern Electric pole on the Order Land and appropriate measures will also be taken as part of the construction of the Scheme on the Order Land (in consultation with Southern Electric) to avoid the pole on the Order Land by:
- (a) adjusting the position and/or widening the spacing of nails within the vicinity of the pole; and/ or
  - (b) installing additional shorter “dowels” in order to provide support to the mesh.

**Figure 16 – Plan of Southern Electric overhead lines on the Order Land**



## **5 Need for the Scheme**

- 5.1 Against the background set out above, this section explains the need to carry out the Scheme on the Order Land.

### **5.2 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.

## 5.5 Risk of landslide on the Order Land

5.5.1 Dorset Council has considered the 'Well-managed Highway Infrastructure' October 2016 Code of Practice (**Code of Practice**) commissioned by the DfT. This 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.*'

5.5.2 As recommended by the Code of Practice, the Council has also sought specialist geotechnical advice which has found that there is a risk of:

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

(i) the bank on the Order Land may collapse leading to a vehicle being engulfed;

(ii) the bank on the Order Land collapsing and falling on a vehicle; and/ or

(iii) an over-turning tree falling onto a vehicle;

(b) possibilities of road closures; and/ or

(c) a negative impact on highway service delivery.

5.5.3 In accordance with the Code of Practice and its responsibilities as LHA, Dorset 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:

(a) serious injury;

(b) death;

(c) serious reputation damage for Dorset Council;

(d) high financial costs;

(e) potential legal action against Dorset Council;

(f) road network not being fit for purpose;

(g) negative publicity;

(h) negative economic impact on the area; and

- (i) customer dissatisfaction.

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

5.5.5 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"*.

5.5.6 Dorset Council 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.

5.5.7 The Melbury Abbas & Cann Parish Council independently commissioned Red Rock Geoscience Limited (**Red Rock**) 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**). The report found that:

- (a) slope instability within the hollow is active and will be ongoing; and
- (b) 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'***.

## 5.6 No viable alternatives

5.6.1 There are no suitable viable or available alternatives to the Scheme (as set out in more detail in section 6 below).

## 6 Alternatives to the Scheme

6.1 This section addresses the alternatives to the Scheme at the Order Land considered by the Council for stabilising the slopes at Dinah's Hollow and affording the highway protection from landslide.

6.2 Dorset Council commissioned an Options Report to produce a geotechnical investigation and options for mitigating the risk of landslip from the Order Land onto the public highway which was published in November 2014 (**Options Report**). The Options Report considered various alternative engineering solutions to the Scheme including:

### 6.2.1 Re-grading of the slope

- (a) This would involve re-grading the slopes on the Order Land to an acceptable reduced slope angle from the toe of the slopes.



- (b) Re-grading the slope 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. This would result in an adverse ecological impact and a significant number of trees would need to be removed. It was also the most expensive option presented in the Options Report.

#### 6.2.2 **Bioengineering**

- (a) Bioengineering is a technique that uses vegetation to improve slope stability through their root structures. Studies have identified that certain types of vegetation on slopes have an observable, but unquantifiable, positive effect on the stability of earthwork.
- (b) This option was discounted as the effectiveness cannot be quantified or guaranteed and therefore a risk to the safety of highway users would remain with this option. Furthermore, the area of influence is typically limited to within 1m of the surface which may be insufficient for greater slips.

#### 6.2.3 **Vertical realignment**

- (a) This would involve raising the vertical realignment of the road at the lower end of Dinah's Hollow. Crucially, this option would not address the instability of the slopes themselves and therefore was discounted as a viable option.

#### 6.2.4 **Use of other retaining structures**

- (a) 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.
- (b) 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.
- (c) This option was discounted as it would be unsympathetic to the environment at Dinah's Hollow.

6.3 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.

6.4 All of these 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.

6.5 Carrying out the works solely within the existing public highway is not possible as stabilisation of the Order Land is required to afford the highway protection from landslide and reduce the risk to highway users.

6.6 Dorset 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**).

- 6.7 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.
- 6.8 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.
- 6.9 The 2024 Technical Note concluded that soil nailing is considered the most appropriate long-term solution to stabilise the slopes at Dinah's Hollow, whilst balancing the sensitivity of the environment and maintaining existing landscape and habitat.
- 6.10 The Red Rock Report also considered the following alternatives and found as we have summarised below:

**Table 2 – Red Rock Report**

Monitoring and Reactive Repair	Shallow failures throughout the Hollow and evidence of historical movements. Failures might occur suddenly and without warning. Risks will not be mitigated adequately.
Tree Managing and Bioengineering	Not an appropriate solution on its own and it would not fully mitigate risks to road users. Movements could be rapid and come without warning whilst vehicles are going through the Hollow. Despite not being a solution on its own, this does need to be carried out on a continuing basis, as it does provide some element of stabilisation of the slope.
Mesh and Anchor Systems	System proven to provide stability. Considered to be an appropriate and a viable option for the medium to long term stability of the Hollow.
Passive barrier	<p>In a confined space, there is a risk of the passive barrier and/or material encroaching onto the road and so it still presents a risk to road users. These movements could be rapid and come without warning whilst vehicles are going through the Hollow.</p> <p>If the recommended mesh and anchor system is not adopted, then a traffic light, edge barrier and a passive barrier at the toe of the slope could be adopted, but it would need to be able to accommodate a really significant failure (e.g. in line with the estimated 35 tonnes which fell from the Order Land in 2016), which may require "alpine" level of attenuators. Visual impact of those may not be aesthetically appealing.</p>
ElectroKinetics	Generally a temporary method, to permit permanent stabilisation works, such as soil nailing to be installed. The ground conditions in Dinah's

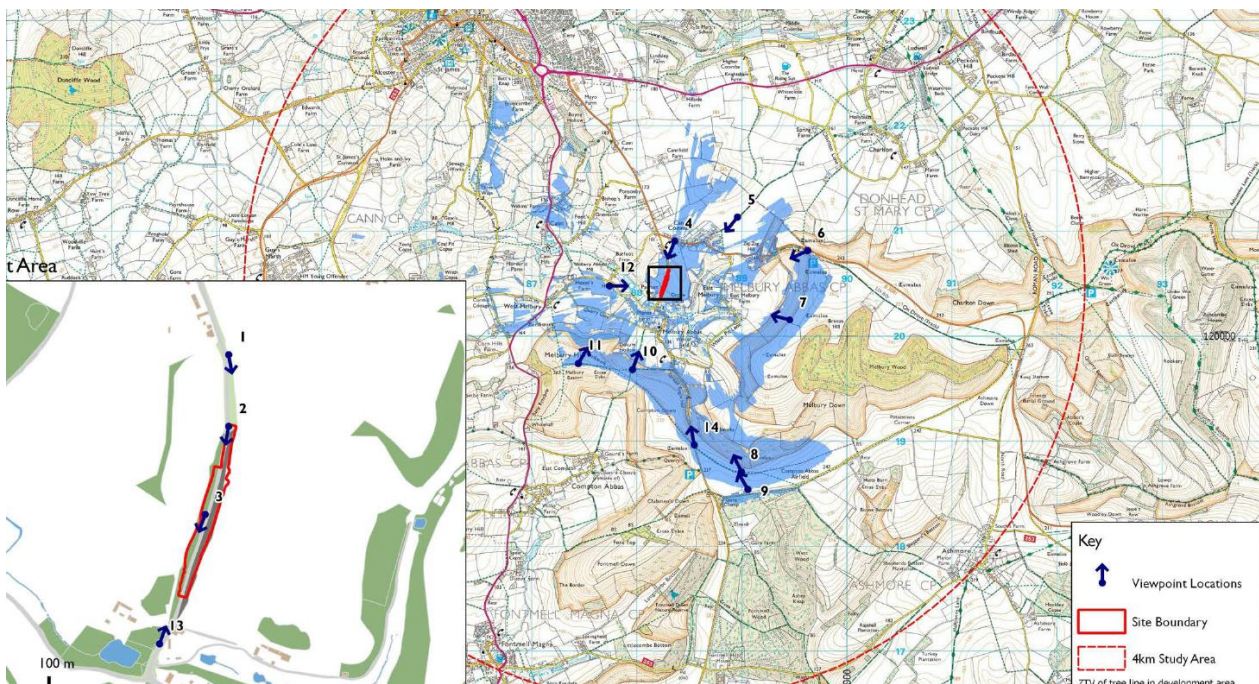
	Hollow are not conducive to successful stabilisation.
Surface Water Management	Methods are considered inappropriate at Dinah's Hollow.

- 6.11 The independent Red Rock Report concludes that using a mesh and anchor solution would be appropriate in this instance (which the Scheme includes).

## 7 **Environmental 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 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.
- 7.3 Dorset Council applied for 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.
- 7.4 Dorset Council 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 Danny 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 Landscape and Ecology Report notes that the highly sensitive nature of the Order Land nature due to it being located within The Cranborne Chase National Landscape and therefore it has a high landscape value and high landscape sensitivity.
- 7.6 The Landscape and Ecology Report assessed the visual impact of the Scheme from 14 viewpoints as illustrated on Figure 17 below.

**Figure 17 – Viewpoints**



7.7 The results are summarised in Table 3 below.

**Table 3 – Effect on visual receptors**

Viewpoint	Effect
C13 to north of Dinah's Hollow: Representative viewpoint 1 and sequential views in association with 2 and 3.	Moderate magnitude of change in the view resulting in a Moderate Adverse level of effect.  The level of effect will reduce to Slight Adverse-Negligible in the longer term as vegetation regenerates.
C13 within the northern part of Dinah's Hollow: Representative viewpoint 2 and sequential views in association with Viewpoints 1 and 3.	High magnitude of change resulting in a Substantial Adverse level of effect.  The level of effect will reduce to Slight Adverse in the longer term as vegetation regenerates.
C13 within the central part of Dinah's Hollow: Representative viewpoint 3 and sequential views in association with Viewpoints 1 and 2.	High magnitude of change resulting in a Substantial Adverse level of effect. The level of effect will reduce to Slight Adverse in the longer term as vegetation regenerates.
Bridleway to NE of Cann Common: Representative viewpoint 5.	Negligible.

<b>Viewpoint</b>	<b>Effect</b>
Bridleway to Zig Zag Hill: Representative viewpoint 6.	Negligible.
Open Access land at Breeze: Representative viewpoint 7.	Low-Moderate magnitude of change in the view resulting in a Slight-Moderate Adverse level of effect.  In time, when the proposed planting and management works take effect and mature, this level of effect will be minimised.
Footpath between C13 and Compton Abbas Airfield: Representative viewpoint 8.	A Low magnitude of change in the view resulting in a Slight Adverse level of effect.
Café at Compton Abbas Airfield: Representative viewpoint 9.	Negligible.
Footpath between C13 and Compton Down and Melbury Hill: Representative viewpoint 10.	Moderate magnitude of change in the view resulting in a Moderate Adverse level of effect
Footpath on Melbury Hill: Representative viewpoint 11.	A low magnitude of change in the view resulting in a Slight Adverse level of effect. In time, when the proposed planting and management works take effect and mature, this level of effect will be minimised.
Melbury Abbas & Cann Common Village Hall: Representative viewpoint 12.	Negligible magnitude of change in the view resulting in a Slight Adverse level of effect.
C13 to the south of Dinah's Hollow: Representative viewpoint 13.	Medium-High magnitude of change in the view resulting in a Moderate- Substantial Adverse level of effect.  This will reduce to Slight Adverse in the longer term as all vegetation regenerates and grows.
C13 at Spread Eagle Hill: Representative viewpoint 14.	Medium magnitude of change in the view resulting in a Slight-Moderate Adverse level of effect.  In time, when the proposed planting and management works take effect and mature, this level of effect will be minimised.

- 7.8 As the above Table shows, 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 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.

- 7.9 The Scheme includes a range of mitigation measures as recommended by the Landscape and Ecology Report:
- 7.9.1 retention of trees to maintain a wooded habitat;
  - 7.9.2 retention of as many trees along the west and eastern slope crest lines;
  - 7.9.3 key trees of landscape, ecological and amenity value retained on the upper slopes;
  - 7.9.4 retention of existing topsoil and avoidance of introducing soils;
  - 7.9.5 coppicing of appropriate trees and shrubs;
  - 7.9.6 replanting through a range of whole sizes in the mesh reinforcing; and
  - 7.9.7 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.
- 7.10 Dorset Council has a duty under section 85 of the Countryside and Rights of Way Act 2000 to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape in designing the Scheme and deciding to proceed with the CPO.
- 7.11 The Council has considered Government guidance to local authorities in relation to the section 85 duty. This states that the requirement to have regard to conserving and enhancing natural beauty will not override particular considerations which have to be taken into account by relevant authorities in carrying out any function, but is intended to ensure that the purpose for which National Landscapes have been designated is recognised as an essential consideration in reaching decisions or undertaking activities impacting upon a National Landscape. Therefore, the Council's duty to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape does not, for example, override the Council's legal obligations as a Highways Authority under the 1980 Act.
- 7.12 The Scheme is essential to improve road safety and afford the highway protection from landslide, however, it has been designed carefully to conserve and enhance the natural beauty of the National Landscape as far as possible. The Council have also carefully previously considered alternative schemes (as set out in section 6) but the alternatives were discounted because either their effectiveness could not be guaranteed or because they would have detrimental effects on the aesthetics of Dinah's Hollow.
- 7.13 Dorset Council will endeavour to use the Government's Biodiversity Metric to demonstrate that the Scheme delivers a minimum 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 10% gain as part of the Scheme will be delivered on top of the species-specific mitigation for Dormouse, Badger, 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.

- 7.14 Finally, Dorset Council is aware the impact associated with the Scheme will make it necessary to apply to Natural England for and obtain a mitigation licence. 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:
- 7.14.1 that the licence is for a purpose specified in Regulation 55 (2);
  - 7.14.2 that there is no satisfactory alternative; and
  - 7.14.3 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.
- 7.15 The Scheme satisfies the 'three tests' as follows:
- 7.15.1 Regulation 55 (1) (e) provides that Natural England may grant a licence for the purposes of '*preserving public health or public safety*';
  - 7.15.2 as set out in section 6, there is no satisfactory alternative to the Scheme; and
  - 7.15.3 following best practice guidance for protected species such as hazel dormouse and bats; this would involve details of the timing of the Scheme to avoid the most sensitive periods for these species and incorporating 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.
- 7.16 The Landscape and Ecology Report noted evidence of badger activity. However, none of the four setts identified were active during the survey. These will be monitored prior to commencement of the Scheme and where a sett is found which is showing signs of current use by badgers and has been identified at being at risk within the Scheme from disturbance, damage and/or obstruction a licence would be required from Natural England.
- 7.17 Licensing for badger sett interference may be justified where the activities of badgers may cause damage to land which compromises the Scheme or increases the likelihood of serious damage from the burrowing activities of badgers occurring. Where this is deemed to be the case based on expert judgement by a suitably experienced ecologist a licence application would be submitted to Natural England.
- 7.18 Licences are granted by Natural England where there are no satisfactory alternatives and the Scheme will assess the risks accordingly following the mitigation hierarchy to avoid active setts where possible, and where this was unavoidable to mitigate to reduce the risk to a level that would prevent harm.
- 7.19 The Council does not foresee any reason that any required environmental licences would not be granted and therefore does not consider that this will be an impediment to the delivery of the Scheme.

## **8 Third party interests in and rights over the Order Land**

8.1 The Schedule to the CPO lists all parties with a qualifying interest in the Order Land as defined by section 12(2) of the ALA 1981 including:

8.1.1 Owners, lessees, tenants and occupiers of the Order Land.

8.1.2 Other parties with a qualifying interest in the Order Land as defined by section 12(2) of the ALA 1981 including those with the benefit of rights within the CPO land or restrictive covenants that affect titles that make up the CPO land.

8.1.3 All other parties with a power to sell, convey or release an interest or right over the Order Land and any parties entitled to make a compensation claim under section 10 of the Compulsory Purchase Act 1965.

8.2 The CPO Schedule has been prepared following a diligent inquiry by Dorset Council based upon information gathered through Inspection of HM Land Registry Title documents, site inspections and enquiries and the responses to notices issued under section 297 of the 1980 Act and section 5A of the ALA 1981.

8.3 There is no land within the Order Land that is owned by another local authority, by the National Trust or which forms part of a common, open space land or fuel or field garden allotment.

8.4 In addition to the land required, the implementation of the Scheme requires the acquisition of a new rights over land owned by third parties. The CPO Schedule provides full details of the rights to be acquired in respect to each plot of land.

## **9 Negotiations for the acquisition of the Order Land and new rights over the Order Land**

9.1 Dorset Council is seeking to negotiate with each qualifying person to acquire their interests in the Order Land, in order that compulsory acquisition can be avoided. Attempts to acquire interests are ongoing and will continue alongside and throughout the CPO process, up to possession should the CPO be confirmed.

9.2 Dorset Council has appointed Jones Lang LaSalle (**JLL**) to negotiate on its behalf. However, given the safety concerns at Dinah's Hollow, the Council cannot wait for negotiations to break down before commencing the compulsory purchase process.

9.3 As set out in section 3 above, the Council has been planning the Scheme for many years and therefore discussions surrounding the acquisition of the Order Land commenced some time ago, in 2014.

### **9.4 Changes to design**

9.4.1 As part of the negotiations, the Council has taken on board reasonable representations from the owners of the East Site and the West Site in relation to the Scheme and has made changes to the Scheme design to mitigate the impact on the affected landowners.

#### **9.4.2 East Site – Drainage design**

- (a) The proposed drainage was originally an open ditch along the whole length on the top of the east bank.



- (b) The landowner objected to the open ditch and Dorset Council considered and adopted the alternative – a pond and bund.
- (c) First, the pond was to be constructed on land adjoining the southern boundary of Plot 4. However, the landowner did not agree to the proposal as they wanted to retain the field to the south of Plot 4.
- (d) The Council again took on board the representation of the landowner and relocated the pond to the south of Plot 4 (as illustrated on Figure 13) which significantly reduced the extent of the land required for the Scheme in the field to the south of Plot 4.

#### 9.4.3 **East Site – Access design**

- (a) The proposed access was from B3081, via High Barn, using the existing footpath. This would have required permanent installation of an access gate from the B3081 and another gate between the fields currently separated by the hedge along the footpath.
- (b) The landowner of the East Site was concerned about intrusion on their farm activities (by the access tracks) as well as security with so many gates, especially the gate from the B3081.
- (c) The landowner proposed an alternative location for access from the C13. However, this was not suitable from the Council's perspective due to the vast difference in ground levels.
- (d) If the access proposed by the landowner was accepted by the Council, it would have resulted in much bigger land take and adverse impact on the environment by removing a lot more trees on the steep bank to create a ramp from C13.
- (e) However, to reduce the impact on the landowner, the Council has amended the Scheme so that access is from the C13, although, the proposed access is further north from the one suggested by landowner. This addresses the landowner's security concerns as the new design only includes one gate on the East Site (which will provide access to the Order Land only) rather than three as initially proposed. The revised design also includes a continuous fence along the East Site boundary between landowner's retained land (following acquisition of the Order Land) and the Order Land.

#### 9.4.4 **West Site – Access design**

- (a) The Scheme design originally included construction of a new access ramp on the far north end on the west bank.
- (b) The landowner advised that the location of the access was unacceptable as it was perceived as an intrusion on farm activities. The Council engaged Early Contractor's Involvement (ECI) with a specialist soil nailing contractor to find an alternative construction method involving access from the highway only.
- (c) Notwithstanding the cost increases for the revised construction method, the Council have removed the proposed access via a ramp to the top of

the west bank, in order to minimise disruption to the landowner's farm activities and environment.

## **9.5 Negotiations with East Site landowner**

- 9.5.1 Negotiations with the East Site landowner commenced in 2014 but they were initially reluctant to transfer the land needed for the drainage and stabilising soil nailing to the Council, but given the instability illustrated by the slip in March 2016, changed its position.
- 9.5.2 Negotiations between the Council's estates surveyor and the East Site landowner's agent continued from 2016 to 2018 and terms were very nearly agreed.
- 9.5.3 During 2019 and up to April 2021, when funding for the Scheme was finally agreed the Council's Project Manager provided regular updates to the East Site landowner's agent on the progress of reports to Cabinet and reassurance from the Project Manager that the agent's fees and other costs relating to the installation of boreholes would be paid by the Council.
- 9.5.4 Following approval of the Council's capital programme in April 2021, negotiations appeared to be progressing well with fifteen exchanges of correspondence between the landowner's agent and Dorset Council's Estates Surveyor. However, the negotiations were thrown into disarray at a site meeting on 15 July 2021 at which the landowner refused to accept the construction of a top of bank drainage open ditch as part of the agreement (see 9.4.2 for further detail of the changes to the East Site drainage design).
- 9.5.5 From July 2021 onwards, channels of communication between the landowner's agent and the Council's Estate Surveyor remained open with a further site meeting, a further four exchanges of email and numerous telephone calls.
- 9.5.6 The Council's surveyor attended two meetings in April 2022 with the landowner's agent including one on site with the landowner also present. This was followed by email correspondence in which the landowner raised various matters: environmental impact, rights of access causing injurious effect on landowner's residence, proposed works compound being unsuitable due to power lines and access from the B3081, design/construction of the drainage ditch and tree planting on retained land to mitigate the scheme effect.
- 9.5.7 Following the meeting in April 2022, the Council amended the drainage proposals on the East Site from an open ditch to a pond and bund.
- 9.5.8 On 1st of February 2023, Dorset Council appointed JLL to act on its behalf to negotiate with the East Site landowner for acquisition of the East Site. A summary of the negotiations conducted by JLL with the East Site landowner is annexed at Appendix 2 which demonstrates the Council has undertaken reasonable steps to negotiate for the acquisition of the East Site and has approached the CPO as a matter of last resort.
- 9.5.9 JLL met with the East Site landowner's agent on site in May 2023. The East Site landowner raised a number of queries about the Scheme design (including concerns relating to the location of the pond and the bund). Wherever reasonably possible the Council has amended the scheme to minimise the impact on the landowner as set out at 9.4.2 and 9.4.3 above and following further discussions

with the landowner's agent amended plans were sent to the East Site landowner's agent in August 2023 incorporating a revised drainage (as described at 9.4.2 (d) above) and access design (as set out at 9.4.3 (e) above).

- 9.5.10 The East Site landowner advised that they did not accept the drainage proposals and suggested the strip of land along the top of the hollow is re-graded and planted with trees. The trees, once established, and any vegetal growth that develops between the trees, would benefit biodiversity but the Council considers that this will do little to intercept the overland runoff or prevent sediment washing down the face of the Hollow. The runoff can only be intercepted by a ditch or by blocking the pathway of the runoff with a bund and, once intercepted, requires the intercepted water to be managed. The proposed bund and lagoon is, therefore, the most practical solution to intercepting and controlling the overland runoff.
- 9.5.11 The East Site landowner would prefer the access at a different location on the C13 but as set out at 9.4.3 (d) above the alternative location would entail the acquisition of more land and would result in an adverse environmental impact. Following detailed discussions and liaison with the East Site landowner, Heads of Terms were issued in May 2024. Negotiations for the acquisition are still ongoing and JLL have sent the landowner's representative five chasing e-mails for the period from May - November 2024.
- 9.5.12 JLL met with the landowner's agent on 24 October 2024 to discuss the heads of terms and the landowner's agent is currently actively negotiating with the Council's agent.
- 9.5.13 Although agreement was very nearly reached prior to July 2021, final agreement has yet to have been reached with the landowner of the East Site. Given the need to progress with the Scheme, powers to use compulsory purchase are now required to secure the necessary interests in land.

## **9.6 Negotiations with West Site landowner**

- 9.6.1 The Council commenced engaging with the West Site landowner in 2014 following publication of the Options Report. A copy of the Options Report was provided to the West Site landowner and a site meeting took place in November 2014 to discuss the likely impact of a soil nailing scheme.
- 9.6.2 Correspondence with the West Site landowner continued until December 2015 when the Cabinet voted to suspend the Dinah's Hollow scheme.
- 9.6.3 Negotiations with the West Site landowner were again commenced in June 2021 following Cabinet approval of the Scheme. From June 2021 to October 2021, the Council's Estate Surveyor wrote five times to the landowner, the first two items of correspondence were acknowledged but no response was received to the latter three.
- 9.6.4 Dorset Council's Estate Surveyor met the West Site landowner on site in June 2022. The landowner remained concerned about the environmental impact of the Scheme, especially in relation to the National Landscape in the area and expressed concerns of possible spray drift from agricultural land on the other side of the hollow affecting his vineyard due to trees being removed as part of the proposed Scheme. Dorset Council's Estate Surveyor was contacted on 12 September 2022 by the landowner's agent to confirm his appointment by the West Site landowner.

- 9.6.5 On 1st of February 2023, the Council appointed JLL to act on its behalf as property surveyors to negotiate for the acquisition of the West Site. A summary of the negotiations conducted by JLL with the West Site landowner is annexed at Appendix 2 which demonstrates the Council has undertaken reasonable steps to negotiate for the acquisition of the West Site and has approached the CPO as a matter of last resort.
- 9.6.6 JLL attended a site meeting in May 2023 with the owner of the West Site and his representative. The owner of the West Site has raised a number of queries about the Scheme notably around the trees and access (see 9.4.4 (b)). Where reasonably possible the Council has amended the scheme to minimise the impact on the landowner as set out 9.4.4 above. A revised drawing incorporating the revised access design (see 9.4.4 (b)) was issued to the landowner on 3<sup>rd</sup> August 2023.
- 9.6.7 Following detailed discussions and liaison with owner of the West Site, Heads of Terms were issued in February 2024. Since issuing the Heads of Terms, JLL have responded to various queries raised by the landowner relating to planning, TPOs, EIA and drainage. The Council, JLL and WSP engineers also attended a site meeting with the West Site landowner on 15 October 2024. However, terms have not yet been agreed by the landowner. Negotiations for the acquisition are ongoing.
- 9.7 The CPO Guidance makes it clear that that compulsory purchase is intended as a last resort. However, it also recognises that acquiring authorities will need to consider when the land to be acquired will be needed. Therefore, the CPO Guidance recommends that acquiring authorities plan a compulsory purchase timetable in parallel with conducting negotiations. In light of this recommendation, the Council is planning to make the CPO in order to secure the outstanding interests required to enable implementation of the Scheme.
- 9.8 The CPO Guidance also states that making of the CPO may help the Dorset Council to make the seriousness of its intentions clear from the outset, which in turn can encourage those whose land is affected to enter more readily into meaningful engagement.
- 9.9 Although negotiations with landowners have commenced and are ongoing, it is currently envisaged that the land and rights required for the Scheme cannot be assembled within a reasonable timescale without the use of compulsory purchase powers. Notwithstanding this, the Dorset Council will continue to negotiate for the acquisition of the required land and rights in parallel with the CPO.
- 10 Justification for CPO**
- 10.1 As set out at paragraph 1.1.9, Dorset Council is under a duty as LHA to maintain the existing public highway known as the C13 at Dinah's Hollow which bisects the Order Land. The LHA also has a statutory power under section 102 of the 1980 Act to undertake works it considers necessary to afford the highway protection from landslide and to protect the users of the highway.
- 10.2 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.
- 10.3 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 if using the C13.

- 10.4 As a result, Dorset Council considers that there is a very compelling case in the public interest to carry out the Scheme and for the CPO to be confirmed.
- 10.5 Dorset Council has given careful consideration to the need to include each parcel of land and each new right within the Order Land. Without ownership and control of the entire Order Land it is not possible to deliver the Scheme as currently proposed.
- 10.6 As set out in paragraph 6, there are no alternatives to the Scheme which are preferable, or which would avoid the acquisition of the Order Land.
- 10.7 Acquiring less land or carrying out a smaller version of the Scheme would not achieve the aims of the Scheme. There are no alternative sites as the nature of the Scheme necessitates stabilising the existing slopes on the Order Land which is essential to improving the safety of the highway and affording it protection from landslide. Alternative methods of dealing with the risks have been considered by the Council and also by an independent consultant (Red Rock) which was commissioned by the Parish Council to consider the options for stabilising the slopes at Dinah's Hollow (see section 6). Both consider that the netting and anchor system (the Scheme) would be the best long term solution, which would allow the road to operate normally again. There is no better or safe alternative which would avoid the acquisition of the Order Land.
- 10.8 Given that there is no certainty that all interests can be acquired by negotiation, the CPO is necessary to ensure the Order Land can be assembled to deliver the Scheme.
- 10.9 Given the time frame involved in obtaining a CPO and the safety concerns at Dinah's Hollow, Dorset Council is planning for and initiating the formal CPO procedures in parallel with ongoing negotiations.

## **11 Human Rights Act and Public Sector Equality Duty**

### **11.1 Human Rights**

- 11.1.1 In pursuing this CPO, Dorset Council has carefully considered the balance to be struck between individual rights and the wider public interest. Regard has been taken, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights (**A1P1**). The Council has also given regard to Articles 6 and 8 of the First Protocol.
- 11.1.2 As the land to be acquired does not include a dwelling it is considered that Article 8 of the Convention is not directly applicable. However, it is acknowledged that the compulsory acquisition of land required to deliver the Scheme could amount to an interference with the human rights of those with an interest in the land and new rights to be acquired (A1P1). In this instance, Dorset Council considers that there is a compelling case in the public interest for the compulsory acquisition of the land required for the Scheme that outweighs any interference with such rights and therefore the use of compulsory purchase powers in this matter is proportionate.
- 11.1.3 All those affected by the CPO have been notified and will have the opportunity to make objections and to be heard at a public inquiry before a decision is made on whether or not the CPO should be confirmed. A right of legal challenge exists to this process in accordance with section 23 of the ALA 1981. Any dispute as to

compensation payable will be determined by the Upper Tribunal of the Lands Tribunal.

- 11.1.4 Dorset Council is satisfied for the reasons set out in this Statement of Reasons that the CPO can lawfully be made.

## 11.2 Public Sector Equality Duty

- 11.2.1 All public sector acquiring authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. This means that they must have 'due regard' or think about the need to:
- (a) eliminate unlawful discrimination;
  - (b) advance equality of opportunity between people who share a protected characteristic and those who do not; and
  - (c) foster or encourage good relations between people who share a protected characteristic and those who do not.
- 11.2.2 A full Equality Impact Assessment (**EQIA**) has been undertaken to assess the impact on protected groups of the making of the CPO and the implementation of the Scheme, in line with the Equality Act 2010 and no issues are expected.
- 11.2.3 The EQIA will be monitored and reviewed throughout the CPO process to ensure that any future impact can be measured and mitigated against as necessary.

## 12 The Mining Code

- 12.1 Dorset Council is not intending to acquire mining and mineral rights, and will be incorporating the mining code contained in Parts 2 and 3 of Schedule 2 of the ALA 1981 (**Mining Code**), and applied by Section 3 of that Act.
- 12.2 Incorporation of the Mining Code within the CPO, thereby engaging Parts 2 and 3 of Schedule 2 to the ALA 1981, provides for the purchase of the surface only of the Order Land without the underlying minerals, avoiding sterilisation of the minerals whilst providing a degree of protection for an acquiring authority and allowing the Scheme to be taken forward. By incorporating the Mining Code, an acquiring authority can take steps to prevent the working of minerals within a specified distance of the surface, provided compensation is paid.
- 12.3 Paragraphs 201 and 202 of the CPO Guidance state that the Mining Code should not be incorporated automatically or indiscriminately, as this may lead to the sterilisation of minerals (including coal reserves). Acquiring authorities are asked to consider the matter carefully before including the Mining Code, having regard to the existence of statutory rights of compensation or whether repair might provide an adequate remedy in the event of damage to land, buildings or works occasioned by mining subsidence.
- 12.4 In this instance, it is not considered necessary to acquire the mining and mineral rights of land affected by the Scheme. However, Dorset Council considers it necessary to incorporate the Mining Code so that it has the opportunity to assess the impact of any proposed working of underlying mines or minerals on the Scheme and in particular any adverse implications on the soil nails to be installed as part of the Scheme. Due to the nature of the Scheme and its importance in affording protection to the highway against the

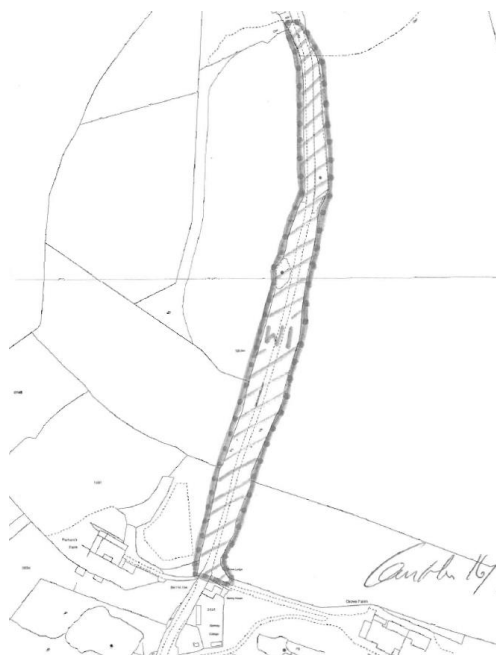


risk of landslide, other remedies such as compensation and repair of damage would be insufficient.

### **13 Deliverability**

- 13.1 Dorset Council intends to acquire all the interests in the Order Land (save for the mines and minerals) either by agreement or by exercising its compulsory purchase powers as set out in this statement of reasons.
- 13.2 The Dorset Council will pursue the acquisition of all qualifying interests in accordance with the ALA 1981 in order to secure the implementation of the Scheme. Dorset Council considers that the interests and rights in the Order Land currently vested in third parties do not present an impediment to the deliverability of the Scheme if the correct statutory procedures are followed.
- 13.3 It is estimated that the cost of the Scheme will be £8,000,000. The budget for the Scheme was approved by the Dorset Council Cabinet on 9 July 2024. This funding will enable the Dorset Council to complete the compulsory acquisition of the Order Land within the statutory period following confirmation of the CPO and to undertake the Scheme.
- 13.4 As set out at paragraph 2.2.6 above, Plot 6 includes a public footpath. The Dorset Council (in its capacity as traffic authority for the area) intends to temporarily prohibit use of the public footpath through making of a temporary traffic regulation order pursuant to section 14 of the Road Traffic Regulation Act 1984. In accordance with section 15 (5) of the Road Traffic Regulation Act 1984 the Dorset Council intends to request that the Secretary of State directs that the temporary order shall subsist for approximately 12 months throughout the construction phase of the Scheme. The Council considers that this will have a very minor impact on users of the public rights of way given that as detailed at paragraph 2.2.6 above the footpath does not appear to be well used. The Council does not view a temporary diversion of the footpath is necessary as part of the C13 will be closed for the duration of the works (as set out below) so it will not be possible for a diverted footpath to connect the C13 with the B3081. 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.
- 13.5 Throughout construction of the Scheme the Dorset Council (in its capacity as traffic authority for the area) intends to temporarily prohibit use of the C13 public highway 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. The temporary order is suspected to subsist for 12 months and during this time traffic will be diverted onto the A350.
- 13.6 Planning position**
- 13.6.1 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 set out at paragraph 7.3 above, no Environment Impact Assessment is required.
- 13.6.2 The Order Land is subject to a Tree Preservation Order (reference: North Dorset (Dinah's Hollow, Melbury Abbas 38/2/05)) which was made on 16 November 2005 and confirmed on 20 June 2006. The Tree Preservation Order applies to all trees of whatever species situated in the woodland marked W1 on Figure 18 extracted below.

**Figure 18 – Tree Preservation Order Plan**



13.7 The Dorset Council applied to the LPA for consent for works to trees subject to a Tree Preservation Order on 28 June 2024 (application reference: P/TRT/2024/03586). The LPA granted the application on 3 October 2024.

13.8 As such there is no planning impediment to the Scheme.

**13.9 Scheme timetable**

13.9.1 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 Dinah's Hollow and 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, or earlier if the Order Land can be acquired by agreement.

13.10 In summary, Dorset Council is satisfied that there are no financial, physical, planning or legal impediments to the Scheme proceeding and that there is a reasonable prospect that it will proceed once the Order Land has been acquired by the Council following the negotiations with the landowners or by way of operation of the CPO.

**14 Assistance to those affected by the CPO**

14.1 The Council recognises that the compulsory purchase process will lead to a period of uncertainty and anxiety for those with an interest in the land whether that is prior to, during or after the making of a compulsory purchase order.

14.2 The Council has therefore (in accordance with the CPO Guidance) taken the following actions to help those affected:

14.2.1 provided full information from the outset about what the compulsory purchase process involves, the rights and duties of those affected and an indicative timetable of events (such information is also available within this Statement of Reasons);



- 14.2.2 agreed to fund owners' reasonable costs of negotiation and other reasonable costs incurred in advance of the process of acquisition;
  - 14.2.3 appointed JLL to whom those with concerns regarding negotiations for the acquisition of the Order Land can be contacted;
  - 14.2.4 made owners and occupiers aware of professional advice available to assist them in understanding the impact of the scheme on their interest and the appropriate compensation which may be available to them;
  - 14.2.5 provided a 'not before' date, confirming that the Council will not obtain possession under the CPO of the Order Land before 1 January 2026 (unless agreed otherwise with the relevant landowner); and
  - 14.2.6 informed owners and occupiers of guidance which is publicly available and professionally published on compulsory purchase and compensation.
- 14.3 The Council is making the CPO now to keep any delay to a minimum by completing the statutory process as quickly as possible and has taken every care to ensure that the CPO is made correctly and under the terms of the most appropriate enabling power.
- 14.4 In addition to the above list, the Council has considered offering to alleviate concerns about future compensation entitlement by entering into agreements about the minimum level of compensation which would be payable if the acquisition goes ahead (not excluding the claimant's future right to refer the matter to the Upper Tribunal (Lands Chamber)). As set out above, the Council has issued heads of terms for to the owners of the East Site and the West Site landowners for negotiation but terms (including the level of compensation) have not yet been agreed. Given that agreement as to the minimum level of compensation has not yet been reached with any landowner, the Council does not consider that offering an agreement setting the minimum level of compensation would be beneficial to the landowners at this stage but will keep this under review as negotiations continue.
- 14.5 The Council does not consider it is necessary to offer relocation or replacement property acquisition assistance given the extent and type of the Order Land which does not require any affected landowner to relocate.

## 15 **Additional information**

- 15.1 For any enquiries related to the CPO the first point of contact at Dorset Council is [dinahs.hollow@dorsetcouncil.gov.uk](mailto:dinahs.hollow@dorsetcouncil.gov.uk).
- 15.2 Provision is made by statute with regard to compensation for the compulsory purchase of land and depreciation in value of affected properties. More information is given in the series of guides published by the Department for Levelling Up, Housing and Communities and Ministry of Housing Communities & Local Government entitled "Compulsory Purchase and Compensation: Plain English guides". These guides are listed below:
- Guide No.1 – Compulsory Purchase Procedure;
  - Guide No.2 – Compensation to Business Owners and Occupiers;
  - Guide No.3 – Compensation to Agricultural Owners and Occupiers; and
  - Guide No.4 – Compensation to Residential Owners and Occupiers.

15.2.1 Copies of these Guides are available free of charge at:

<https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>

15.2.2 Any person who is unable to download these Guides should contact Dorset Council using the details specified at 15.1 above.

## 16 The CPO, Order Map and Statement of Reasons

16.1 The CPO, Order Map and Statement of Reasons will be available for public inspection at the following locations:

<b>Shaftesbury Library</b>	Bell Street Shaftesbury Dorset SP7 8AE	Monday: 10am to 5pm Tuesday: 10am to 5pm Wednesday: Closed Thursday: Midday to 6pm Friday: 10am to 5pm Saturday: 10am to 1pm
<b>Blanford Library</b>	The Tabernacle Blandford Forum Dorset DT11 7DW	Monday: 10am to 6pm Tuesday: 10am to 5pm Wednesday: 10am to 5pm Thursday: 10am to 5pm Friday: 10am to 5pm Saturday: 10am to 4pm

16.1.1 Electronic copies of CPO, Order Map and Statement of Reasons can also be viewed online at: [www.dorsetcouncil.gov.uk/dinahs-hollow-cpo](http://www.dorsetcouncil.gov.uk/dinahs-hollow-cpo).

## 17 Supporting documents

17.1 In the event of a public inquiry being held to consider the making of the CPO, the Dorset Council intends to refer to or put in evidence the documents listed in the Appendix 1. It should be noted that this list is not exhaustive, and Dorset Council reserves the right to add documents to this list.

## **Appendix 1 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 [●] (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 Environmental Impact Assessment screening opinion dated 29 August 2024.
- 21 Equality Impact Assessment dated 2 August 2024.
- 22 Red Rock Report dated September 2024.
- 23 Tree Decision Notice (Tree Works - TPO) dated 3 October 2024.

**Appendix 2**  
**JLL Negotiation Summary Log (Landowner of the East Site)**

Date	Method of Communication	Attendees / Parties	Context of Communication
22/02/2023	Letter / email	Council - Maurice Flower & Son Ltd	Outlining instruction of JLL and Michelmores
23/03/2023	Letter / email	JLL - John Woolley	JLL intro letter setting out JLL carrying out negotiations moving forward
23/03/2023	Letter / email	JLL - John Woolley	Email regarding notices served to carry out surveys on his clients land. Any queries to contact Tanya
27/03/2023	Email	JLL - John Woolley	Email from JW outlining his concerns and frustration of the serving of notices on his client for surveys.
31/03/2023	Call	Call with John Woolley	General introduction. Confirmed we are available to discuss the acquisition
02/04/2023	Email	John Woolley - JLL	Information request regarding surveys. JLL forwarded email to Tanya.
			JLL met on site with John Wooley and Karen Carr. The current plans were discussed (BS4958_612_C). GH and AS met with John Wooley and Karen Carr <ul style="list-style-type: none"> <li>•JW and KC gave significant background detail of the scheme</li> <li>•We walked the site</li> <li>•They are concerned around the use of the track and compound area, they believe the location would significantly devalue the retained land</li> <li>•Discussed briefly the pond location, with the landowner questioning whether it had been carried out via google earth and not on site due to slope and adjoining property</li> <li>•JLL confirmed that we would need the updated plans before we enter into full discussions and issues</li> <li>•They mentioned loss of crop due to the potential land take</li> <li>•Explained that they had a deal drawn up with solicitors although stated DCC never actually went through with the deal</li> <li>•JLL confirmed that it would be best to get a licence in place with a small fee. JLL and JW to pick that matter up separately</li> </ul>
17/05/2023	Meeting on site	JLL - John Woolley & Karen Carr	
18/05/2023	Email	JLL - JW	Holding email after site meeting
20/05/2023	Email	JW - JLL	JW requesting clearance from the council to the outstanding claim previously agreed by the council and timelines for new plans.
22/05/2023	Email	JLL - JW	JLL confirmed that a timeline would be provided in relation to new plans. Confirmed unable to provide clearance for previous claim due to no records of the claim.
24/05/2023	Email	JW - JLL	JW provided various communications from the previous agent within the council.
02/08/2023	Email	JLL - JW	Sent copies of new plans
04/08/2023	Email	JW - JLL	Email regarding additional information required
04/08/2023	Email	JLL - JW	Holding email - confirmation of hard copy plans sent out
16/08/2023	Email	JW - JLL	confirmation of plans received
24/08/2023	Email	JLL - JW	Email to JW with responses to queries
28/08/2023	Email	JW - JLL	JW set out further queries
13/09/2023	Email	JLL - JW	Clarifications on queries
26/09/2023	Email	JLL - JW	JLL requested meeting with JW to resolve outstanding queries

Date	Method of Communication	Attendees / Parties	Context of Communication
28/09/2023	Teams Call	JLL & JW	JLL call with JW discussing queries sent over in his email. We discussed the reasons why the HoTs sent through by JW were not signed, he stated it was due to Dorset not finalising them. He confirmed the amount previously agreed was made up of various heads of claim; land value and disturbance. Agreed that JW would submit an updated claim including what they deem to be acceptable. JLL & JW agreed to reconvene once HoTs were submitted to discuss. Amended plan sent
			JW obtaining confirmation from client to be able enter into negotiations based on latest plans from the council. Attached were correspondence dated 20th March 2017 from Andrew Martin and Ben Lancaster 10 May 2017. The email from Ben Lancaster states <i>'Technically we do not agree on all points as set out in your letter of 20th March 2017 as the County Council has stated that it would resist installing a chain link fence at its expense. However, this point has been rolled into item 6. On this basis, I can confirm the agreement to all of your points and now have instructions to that effect.'</i>
03/10/2023	Email	JW - JLL	
04/10/2023	Email	JLL - JW	JLL confirmed receipt of email and stated we look forward to their claim.
18/10/2023	Email	JW - JLL	Email from JW with historic claim and various issues
23/01/2024	Email	JLL - JW	JLL response with updated plans
23/02/2024	Email	JW- JLL	Response re 4 main points. Fees, Access from highway, drainage and planting
28/02/2024	email	JLL - JW	Holding email
29/02/2024	email	JLL - JW	JLL requesting detail on issue with outstanding claim
18/03/2024	Email	JW - JLL	response on outstanding claims
19/03/2024	email	JLL - JW	Requested teams call as emails are becoming messy
23/04/2024	Email	JLL - JW	Email to JW with confirmation of issues.
15/05/2024	Email	JLL-JW	Hots sent to JW
13/06/2024	Call	JLL-JW	Message left to discuss whether an agreement can be reached
13/06/2024	Call	JLL-JW	Call with JW to request a review of the Heads of Terms in relation to the plan which cannot be changed any further.
27/07/2024	Email	JLL-JW	Email confirming RFIs are being sent out
22/07/2024	Email	JLL-JW	Email to John requesting call following receipt of email
30/07/2024	Email	JLL-JW	Chasing email
05/08/2024	Email	JLL-JW	Chasing email
27/08/2024	Email	JLL-JW	Chasing email
05/09/2024	Email	JLL-JW	Chasing email
05/09/2024	Call	JLL-JW	JW going to send over a skeleton claim for discussion
26/09/2024	Email	JLL-JW	JLL provided Scott schedule to JW. Response provided on each item of claim. Noted where not a claimable item
07/10/2024	Email	JL- JW	Chasing Email
15/10/2024	Email	JLL- JW	Email to JW with calendar invite for Thursday 24th.

Date	Method of Communication	Attendees / Parties	Context of Communication
24/10/2024	Teams meeting	JLL-JW	Call with JW to review the Scott schedule. Number of items claimed with no evidence. Further requests made for that evidence. Confirmation the Council are looking to pursue the CPO. Confirmation that the scheme is as it is now and no further amendments can be made. Rule 2 Market Value agreed.
11/11/2024	Email	JLL-JW	Email to John requesting update
12/11/2024	Email	JLL-JW	Email to John to confirm delaying meeting to provide extra time.
12/11/2024	Email	JLL-JW	Email to John confirming no changes to his clients land
14/11/2024	Email	JLL-JW	Further confirmation that there are no changes
14/11/2024	Email	JLL-JW	Email to confirm availability
18/11/2024	Email	JLL-JW	Email confirming position on compensation claim
04/12/2024	Teams Call	JLL-JW	Teams call to confirm that the offer made is still on the table and that without further evidence it cannot be increased. John going away to discuss.

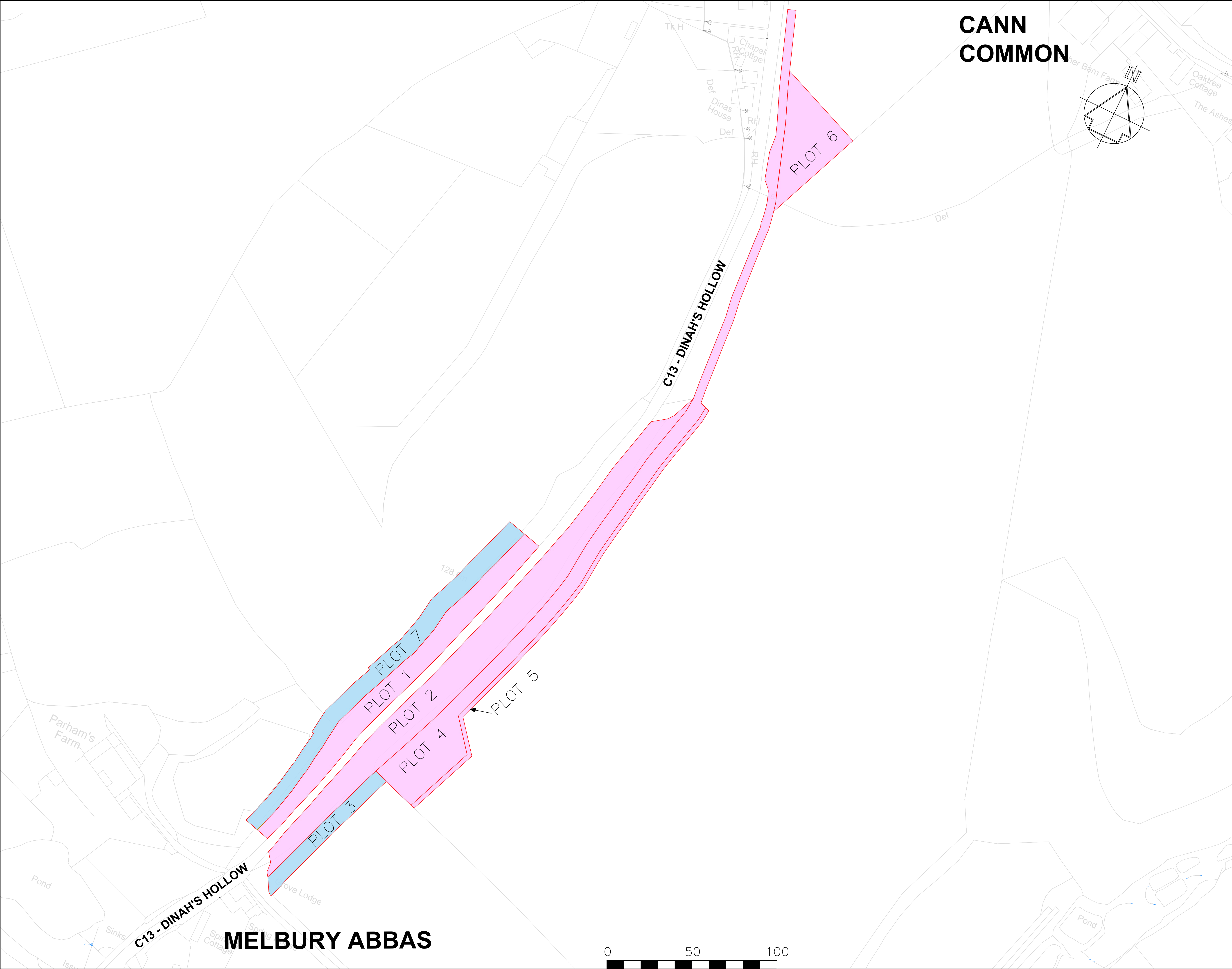
**Appendix 3**  
**JLL Negotiation Summary Log (Landowner of the West Site)**



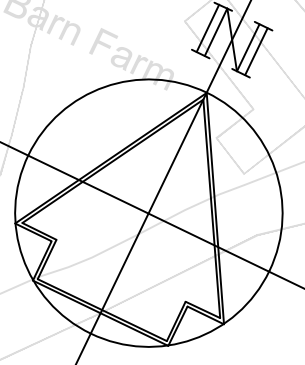
Date	Method of Communication	Attendees / Parties	Context of Communication
22/02/2023	Letter / email	Council - Roy Phillips	Outlining instruction of JLL and Michelmores
13/03/2023	Letter / email	JLL - Tim Broomhead	Letter of intro to Roy Phillips
23/03/2023	Letter / email	JLL - Tim Broomhead	Email regarding notices served to carry out surveys on his clients land. Any queries to contact Tanya
28/03/2023	Email	Roy Phillips - JLL	Email requesting current plans
29/03/2023	Call	Roy Phillips - JLL	Call with Roy Phillips regarding an email sent to us requesting plans. Generally introduction and request for meeting
31/03/2023	Email	JLL - Roy Phillips	Current plans sent across and request for site visit w/c 10th April
05/04/2023	Email	RP - JLL	Forwarded copy of plans to appointed surveyor
17/04/2023	Email	JLL - Roy Phillips	Requesting site visit. Provided dates.
17/05/2023	Meeting on site	JLL - Roy Phillips & Tim Broomhead	JLL met at Mr Phillips house. The current plans were discussed (BS4958_612_C). We discussed Mr Phillips concerns with the plans and walked the site. Mr Phillips was accommodating. JLL agreed to report back concerns to DCC.
03/08/2023	Email	JLL - RP	Sent copies of new plans
25/08/2023	Email	JLL - RP	Chasing email
04/09/2023	Email	RP - JLL	Outline of queries
11/09/2023	Email	JLL - RP	Holding email
26/09/2023	Email	JLL - RP	Provided response to questions in email of 4th September following discussion with DC. JLL also requested that Mr Phillips responds to TR regarding upcoming road closure and access.
02/10/2023	Email	JLL - RP	JLL sent survey statement to RP which was sent through by TR
04/10/2023	Email	RP - JLL	Confirmation that Dorset could go on site with conditions. JLL shared with TR
12/02/2024	Email	JLL - RP	Heads of Terms sent to RP
18/03/2024	Email	JLL - RP	Email chase
24/03/2024	Email	JLL - RP	Email confirming responses to questions
23/05/2024	Email	JLL - RP	Email containing Heads of Terms sent to RF
13/06/2024	email	JLL - RP	Chasing email for response on HoTs
27/06/2024	Email	JLL - RP	Email to RP confirming RFIs
28/06/2024	Email	JLL - RP	Chasing email
30/07/2024	Email	JLL - RP	Email confirming access and chasing HoTs
31/07/2024	email	JLL - TB	Response to email regarding access
27/08/2024	Email	JLL - RP	JLL response to RP queries around planning, TPO's and drainage
05/09/2024	email	JLL - RP	Confirmation of EIA and request for response to Hots
06/09/2024	Email	JLL - RP	Email confirming details on planning and drainage. Request for review of HoTs
06/09/2024	Email	JLL - RP	Sent copy of TPO approval letter
06/09/2024	Email	JLL - RP	Sent link of planning application
11/09/2024	Email	JLL - RP	Offer of meeting dates
16/09/2024	Email	JLL - RP	Invite sent for 15th Oct
17/09/2024	Email	JLL - RP	Confirmation of date and time
18/09/2024	Email	JLL - RP	Confirmation of location
18/09/2024	Email	JLL - RP	Confirmation of attendees
27/09/2024	Email	JLL - RP	Confirmation of attendees
09/10/2024	Email	JLL - RP	List of attendees

Date	Method of Communication	Attendees / Parties	Context of Communication
15/10/2024	Meeting on site	JLL - KF - Council and Council representatives	Meeting to review drainage. Requirement for additional easement to the south for a pipe.
15/10/2024	Email	JLL - RP & KF	Email requesting claim and a call in 3 weeks to discuss.
24/10/2024	Email	JLL - Roy Phillips & Tim Broomhead	Email providing updated easement plan and request for timescales for receipt of information.
18/11/2024	Email	JLL - Roy Phillips	Email chasing for an update following meeting on site
24/11/2024	Email	RP - JLL	Confirming their agents will be providing their proposals shortly.
04/12/2024	Email	JLL - RP and KF	Request for claim. Confirmation that the CPO will be submitted soon.

**Appendix C**  
**Order Map**



# CANN COMMON



KEY

LAND TO BE ACQUIRED

RIGHTS TO BE ACQUIRED

THE COMMON SEAL OF DORSET COUNCIL  
AFFIXED IN THE PRESENCE OF:

.....  
(AUTHORISED SIGNATORY)

DATED THIS .....DAY OF .....2024

© Crown Copyright and database rights 2021  
Ordnance Survey 0100060963. You are  
permitted to to use this data solely to  
enable you to respond to, or interact with,  
the organisation that provide you with the  
data. You are not permitted to copy,  
sub-licence, distribute or sell any of this  
data to third parties in any form.  
Ariel Photography © UKPerspectives 2002 &  
© Getmapping 2005,2009 & 2014 Getmapping  
Plc and Bluesky International Limited [2017]

A	22.11.24	Change to Plot 3	TR
Orig	23.05.24	—	TR
Rev	Date	Issue / Remarks	Checked



**DORSET HIGHWAYS**  
**Matthew Piles**  
Economic Growth and Infrastructure

Project Title		
DINAH’S HOLLOW		
Drawing Title		
MAP REFERRED TO IN THE DORSET COUNCIL (DINAH’S HOLLOW IMPROVEMENT SCHEME) COMPULSORY PURCHASE ORDER 2024		
Scale (A1 Size)	Drawn By	Date
1:1250	TR	22 NOV 2024
Drawing Number		
BS4958_650_00_A		
Drawing Status		
—		

**Appendix D**  
**Cabinet Report (9<sup>th</sup> July 2024)**

# **Cabinet**

**9 July 2024**

## **Dinah's Hollow Slope Stabilisation**

### **For Decision**

**Cabinet Member and Portfolio:**

Cllr J Andrews, Place Commissioned Services

**Local Councillor(s):**

Cllr Jane Somper

**Executive Director:**

Jan Britton, Executive Lead for Place

Report Author: Tanya Ruseva

Job Title: Engineer

Tel: 01305225337

Email: [tanya.ruseva@dorsetcouncil.gov.uk](mailto:tanya.ruseva@dorsetcouncil.gov.uk)

**Report Status:** Public (the exemption paragraph is N/A)

### **Brief Summary:**

The C13 public highway at Dinah's Hollow, Melbury Abbas runs in a deep hollow. Geotechnical reports have highlighted that the banks, which are in private ownership, are unstable. If a major slip occurred there could be multiple serious injuries and/or loss of life.

The Council as Local Highway Authority has a duty to maintain the C13.

Stabilisation works (using soil nail technologies and appropriate facing and drainage works) on the banks (Scheme) are essential to afford the C13 protection from against landslide. The Scheme has been designed to provide a long-term solution to the unstable banks and to improve the safety of public highway.

The Dinah's Hollow stabilisation scheme works were approved by Cabinet in October 2020. In addition, Cabinet recommended that the affordability of the scheme should be considered as part of the 2021/22 budget setting process and

Medium-Term Financial Plan (MTFP). The estimated costs for the scheme were subsequently included in the MTFP agreed by Cabinet in April 2021.

There has been a significant increase to the Scheme costs since they were agreed by Cabinet. These are due to inflationary effects in the construction industry. The extent of the Scheme has not enlarged since the Cabinet approved it in 2020.

To move the project forward Dorset Council needs to increase the allocated funding and acquire land and new rights for installation of the soil nails and positive drainage on the banks.

Dorset Council continues to negotiate with the owners to agree the purchase of the required land and interests. However, given the safety concerns at Dinah's Hollow, the Council cannot wait for negotiations to break down before commencing the compulsory purchase process and therefore, it will be necessary to make a Compulsory Purchase Order (CPO).

**Recommendation:**

1. Approve full funding for the stabilisation Scheme, with the additional funding achieved through reprofiling the existing Highway budgets for the financial years 2025/26 and 2026/2027.
2. Authorise the use of the Council's powers of compulsory acquisition under section 102, 239, 249 and 250 of the Highways Act 1980 and the Acquisition of Land Act 1981 and such other powers as may be appropriate to secure a compulsory purchase order ('the CPO') to acquire:
  - all land, interests, and rights in respect of the areas of land shown edged red and shaded pink on the attached Order map at Appendix D; and
  - new rights over the land shown edged red and shaded blue on the attached Order map at Appendix D.
3. To delegate to the Interim Lead for Place (including any officer nominated by them):
  - To take all necessary steps to secure the preparation, making, and submission to the Secretary of State for Transport for confirmation and implementation of the CPO including (but not limited to) drafting and publishing the Statement of Reasons; the publication, advertisement, notification and service of all necessary notices; the investigation of and

response to objections; and the presentation of the Council's case at any public inquiry or other examination procedure.

- To continue to negotiate to acquire the necessary land and new rights by agreement and to acquire the same by private treaty if agreement can be reached.
- To make minor amendments, modifications and deletions to the CPO and/ or the Order Map including (but not limited to) to the land or new rights required should this be considered appropriate.
- If the CPO is confirmed, the take all necessary steps including (but not limited to) to advertise the confirmation, of the CPO and serve all necessary notices of the confirmation and once the CPO becomes operative to execute General Vesting Declarations under the Compulsory Purchase (Vesting Declarations) Act 1981 and/ or to serve all necessary notices including serving Notices to Treat and Notices of Entry following confirmation of the CPO if required so that the land subject to the CPO vests in the Council.
- To take all steps in relation to any legal proceedings relating to the CPO including defending or settling claims referred to the Upper Tribunal and/or applications to the courts and any appeals.

### **Reason for Recommendation:**

To deliver the stabilisation Scheme approved by Cabinet.

The impact of a major slope failure would be high in respect of health and safety and financial implications. Possible consequences include loss of life, multiple major injuries and legal action. There would also be reputational damage, impact on service delivery and disruption to the highway network affecting a key north-south route.

Negotiations have taken place over a considerable time period and it has not so far been possible to reach a formal agreement. Compulsory purchase powers are therefore sought to enable the Scheme to progress.

## **1. Background**



- 1.1 Proposals for an improvement of the C13 through stabilisation at Dinah's Hollow have been discussed by Dorset Council for over ten years. Further details of the historical development of the Scheme are set out in Appendix B.
- 1.2 On 6 October 2020 Dorset Council's Cabinet approved £130,000 for the drainage work on the east side.
- 1.3 On 6 April 2021 Dorset Council's Cabinet approved a further £4,363 million of the Council's Capital Funds to deliver the whole scheme (i.e stabilisation on both sides of the bank).
- 1.4 This is a critical safety scheme that is included on the Council's Corporate Risk Register. To mitigate the risk of landslip throughout the Hollow rights and acquisition of land on the east and west side of the Hollow are necessary.
- 1.5 Negotiations with the two current owners have been ongoing since at least 2021, but thus far the Council has been unable to reach agreement with the landowners for the acquisition of the land and rights required for the Scheme.
- 1.6 The government guidance "Guidance on Compulsory Purchase Process and The Crichel Down Rules" (**CPO Guidance**) for acquiring authorities makes it clear that that compulsory purchase is intended as a last resort. However, the CPO Guidance also recognises that acquiring authorities will need to consider when the land to be acquired will be needed. Therefore, the CPO Guidance recommends that acquiring authorities plan a compulsory purchase timetable in parallel with conducting negotiations. In light of this recommendation, the Council is planning to make the CPO in order to secure the outstanding interests required to enable implementation of the Scheme.
- 1.7 Further the CPO Guidance, states *'if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost.'*
- 1.8 Given the importance of the Scheme to mitigate safety risks to road users, the Council cannot wait for negotiations to break down before commencing the CPO process and therefore, approval is now required for the Council's use of powers to make a Compulsory Purchase Order relating to land at Dinah's Hollow, Melbury Abbas to deliver the necessary stabilising soil nailing works and any associated works. Nevertheless, the

Council remains committed to continuing discussions with landowners with a view to seeking to acquire all necessary land and rights by agreement.

## **2. Land and rights required for the Scheme**

2.1 The land and new rights required for the Scheme are shown on the plan in Appendix D. Parcels of land to be acquired permanently are shaded pink and land over which new rights are to be acquired shaded blue, together these areas make up the proposed Order Land.

2.2 The proposed Order Land consists of seven plots of land which comprise woodland, arable and pasture land. There are two landowners currently affected but land referencing is ongoing as part of the CPO process to identify any other qualifying interests in the Order Land.

## **3. Justification for Land Take**

3.1 The proposed Scheme follows feasibility work by Parsons Brinckerhoff which concluded that soil nailing of the slopes was the most cost-effective solution to stabilise the banks and ensure safety on the highway. No alternative options with a lesser land take were identified which could either be guaranteed to be effective or not have a significant detrimental effect on the aesthetic of the hollow. For the full options report, please see [Cabinet 9 July 2024 - Background papers Dinah's Hollow Stabilisation Options Report](#)

3.2 Consequently, it is considered that it is necessary for the Council to acquire the Order Land. It is recognised that this will affect the rights of the owners but it is considered that the impact is justified by the compelling public interest which is served by carrying out the Scheme which will improve the safety of road users and afford the highway long term protection from landslip.

## **4. Financial Implications**

4.1 An overall budget for the scheme of £4.493 million, allocated from Capital Programme Funds has been carried forward.  
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.

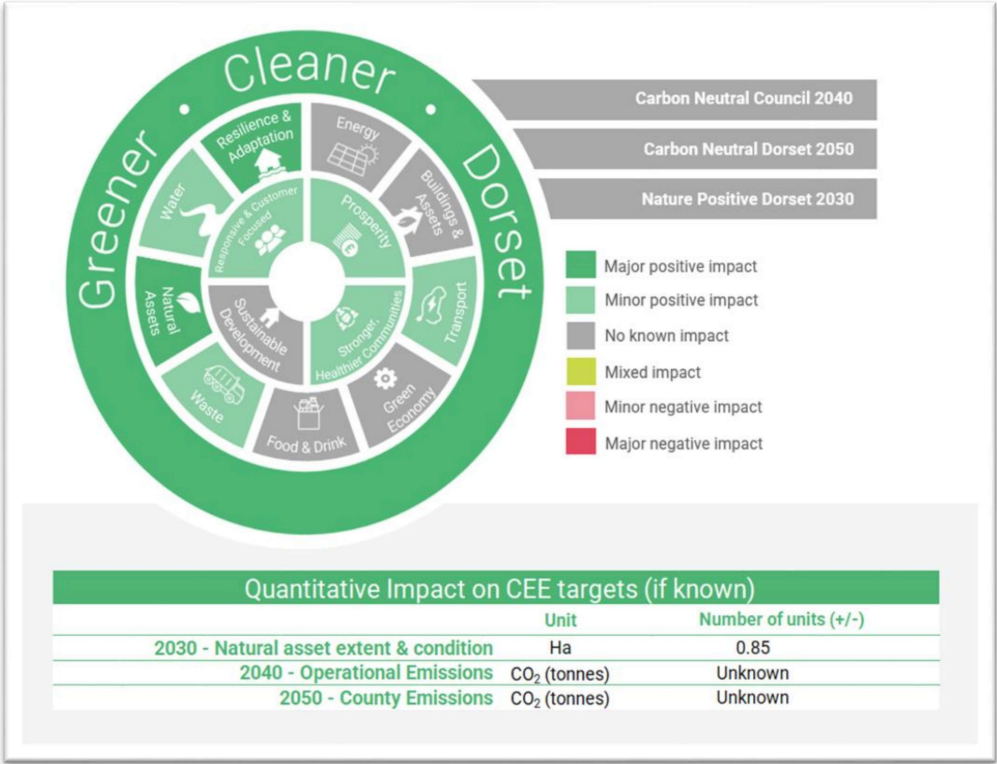
4.2 The current cost estimate for delivering the Scheme in 2025 is £8 million.

- 4.3 A further capital investment of £3.507m is therefore needed to deliver the Scheme in Dinah's Hollow. It is intended that the additional funding will be made available through the reprofiling the existing Highway budgets for the financial years 2025/26 and 2026/27.

**5. Natural Environment, Climate & Ecology Implications**

- 5.1 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: prolonged and intense rainfall possibility resulting from climate change.
- 5.2 This proposed Scheme is strongly aligned to the resilience pillar of the Council's Natural Environment, Climate and Ecology Strategy 2023, supporting its vision for a climate resilient Dorset. In particular, it strongly aligns to the strategy's Mission 9 (Resilience and adaptation), by enabling greater climate resilience to critical transport infrastructure given the increased risks of extreme rainfall events linked to climate change – and thereby mitigates associated knock-on risks, such as to health or wellbeing or supply chain disruption.
- 5.3 The Government's national Climate Change Risk Assessment evaluates the relevant Risk I5 (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".
- 5.4 The Dorset Council Natural Environment, Climate and Ecological decision wheel is a tool used to identify the climate and ecological implications of proposals.

The results of using the tool in considering the scheme are presented below.



The results show a combination of neutral and positive impacts. In designing the proposed scheme, the Council has carefully considered the environmental impact and has included a number of mitigation measures to reduce any adverse effects such as:

- retention of as many trees as practicable without compromising the integrity of the slope stabilisation measures; and
- ensuring that the existing topography will be unchanged.

For further information, please see Appendix A for supporting tables for Decision Wheel.

### 6. Well-being and Health Implications

This is a critical safety scheme and if a major slip occurred there could be loss of life.

## **7. Other Implications**

- 7.1 The Council has a legal liability to maintain the highway under the Highways Act 1980. The C13 is such a maintainable highway and the Council owes a duty of care towards road users.
- 7.2 The Highways Act further provides that the Council may maintain such works as it considers necessary for the purpose of affording to the highway protection against landslide or other hazards of nature.

## **8. Risk Assessment**

The existing mitigation works at Dinah's Hollow, restricting traffic to a single lane down the centre of the hollow constrained by concrete barriers, were always seen as interim measures to reduce the risk exposure. The risk of a land slip still remains. Full slope stabilisation provides a long-term solution. The risk has been identified under the infrastructure section of the Corporate Risk Register.

Current Risk: MEDIUM

Residual Risk: LOW

## **9. Human Rights**

- 9.1 The Human Rights Act 1998 incorporated the European Convention on Human Rights (Convention) into UK Law. The Convention includes provisions which aim to protect the rights of the individual (including companies and similar bodies). In resolving to make the CPO the Council must consider the rights of the property owners affected by the CPO, should it be confirmed and in particular, under Article 1 and Article 8 of the Convention.
- 9.2 As the land to be acquired does not include any dwellings and therefore it is considered that Article 8 of the Convention is not directly applicable. However, it is acknowledged that the compulsory acquisition of land required to deliver the Scheme could amount to an interference with the human rights of those with an interest in the land and new rights to be acquired. In this instance, the Council considers that there is a compelling case in the public interest for the compulsory acquisition of the land required for the Scheme that outweighs any interference with such rights

and therefore the use of compulsory purchase powers in this matter is proportionate.

- 9.3 Without the use of these powers, it is possible that all of the land necessary to deliver the Scheme may not be made available within a reasonable timescale, which would prolong the risk to safety of highway users.
- 9.4 Furthermore, the compulsory purchase process clearly provides for those affected to have a right to object prior to it being confirmed and any objection will be considered by an independent inspector appointed by the Secretary of State for Transport. Any objection may also be considered at a public inquiry held to consider the confirmation of the CPO. Notwithstanding this, any person affected by the proposed CPO will be entitled to compensation pursuant to and subject to the Compensation Code.

## **10. Equalities Impact Assessment**

- 10.1 The Equalities Act 2010 requires all public bodies in discharging their functions to have “due regard” to this duty. There are 3 main aims:-
- Removing or minimising disadvantages suffered by people due to their protected characteristics
  - Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
  - Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.
- 10.2 An Equalities Impact Assessment has been undertaken and this shows that there are no impacts that are specific to people with protected characteristics. The Scheme is anticipated to benefit all users of the C13 highway by improving the safety of it.

## **11. Appendices**

Appendix A- Climate Emergency Wheel supporting tables.

Appendix B- Dinah's Hollow – Location, history of events, previous decisions.

Appendix C – Programme.

Appendix D- Plan.

## 12. **Background Papers**

Cabinet 6 October 2020 [Decision - Dinah's Hollow, Slope Stabilisation - Dorset Council](#)

Cabinet 6 April 2021 [Decision - Capital Programme 2021/22 - Dorset Council](#)

## 13. **Report Sign Off**

This report has been through the internal report clearance process and has been signed off by the Director for Legal and Democratic (Monitoring Officer), the Executive Director for Corporate Development (Section 151 Officer) and the appropriate Portfolio Holder(s)

## Appendix A

### ACCESSIBLE TABLE SHOWING IMPACTS

Natural Environment, Climate & Ecology Strategy Commitments	Impact
Energy	No known impact
Buildings & Assets	No known impact
Transport	Major positive impact
Green Economy	No known impact
Food & Drink	No known impact
Waste	Minor positive impact
Natural Assets & Ecology	Major positive impact
Water	Minor positive impact
Resilience and Adaptation	Major positive impact

Corporate Plan Aims	Impact
Prosperity	Minor positive impact
Stronger healthier communities	Minor positive impact
Sustainable Development & Housing	Neutral
Responsive & Customer Focused	Minor positive impact

### TABLE OF RECOMMENDATIONS

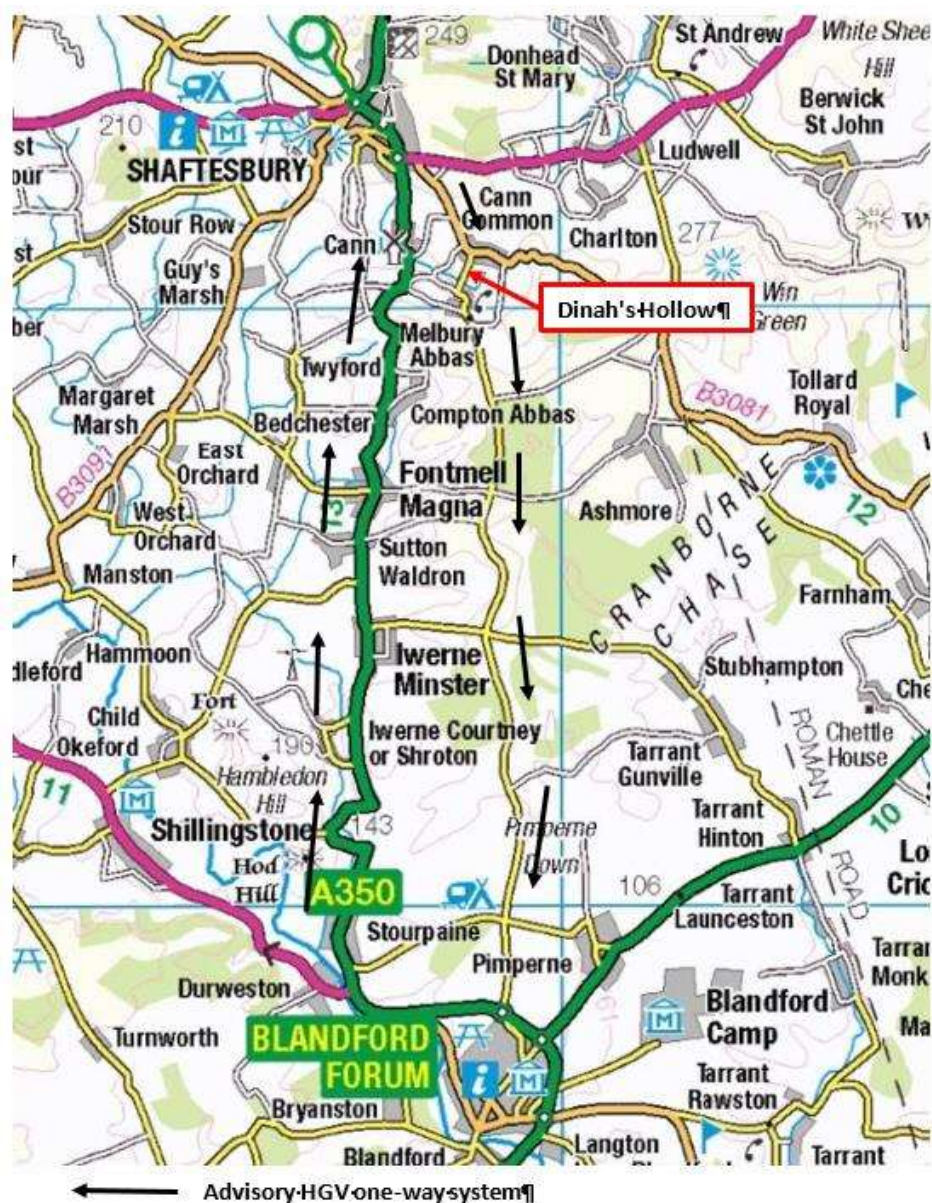
Recommendations	Responses -will this be incorporated into your proposal? How? And if not, why not?
<b>Energy</b>	
Consider opportunities to generate renewable energy on the land	Land is to be used to stabilise the bank and enhance ecology; no land available for renewable energy
<b>Buildings &amp; Assets</b>	
No recommendations found for this category	
<b>Transport</b>	
No recommendations found for this category	
<b>Green Economy</b>	
No recommendations found for this category	



<b>Food &amp; Drink</b>	
No recommendations found for this category	
<b>Waste</b>	
No recommendations found for this category	
<b>Natural Assets &amp; Ecology</b>	
Ensure water quality is protected and/or enhanced	There is no significant change to water quality
<b>Water</b>	
No recommendations found for this category	
<b>Resilience &amp; Adaptation</b>	
No recommendations found for this category	

## Dinah's Hollow - Location, history of events, previous decisions, estimate, programme and risk assessment

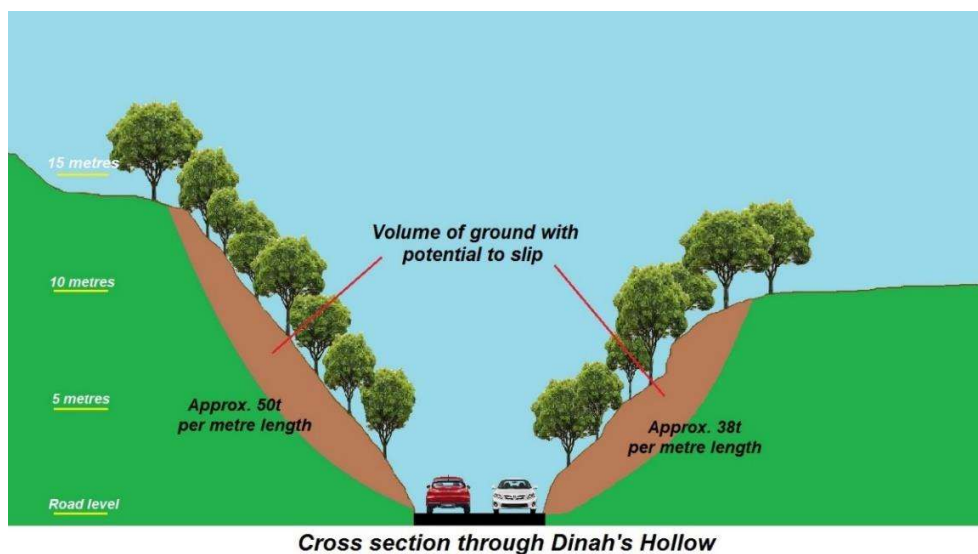
1.1. Dinah's Hollow is located just north of Melbury Abbas on the C13. The C13 provides the only suitable alternative north-south link to the A350 through Dorset. It now operates as part of an advisory HGV route taking HGV traffic northbound along the A350 and southbound along the C13.



## 2. Technical Background to 2012 Closure of C13 Dinah's Hollow

2.1. July 2012 – A landslide at Beaminster Tunnel overwhelmed the head wall depositing a large quantity of soil on to the highway. The tragedy engulfed a car and killed 2 people. Dorset Highways were prompted to examine other slopes perceived to be at high risk of failure.

2.2. Brody Forbes, local geotechnical consultant, placed Dinah's Hollow on high-risk alert. This assessment was confirmed by national consultant Parsons Brinckerhoff (now WSP). Slope analysis calculations demonstrated the possibility of burying a small vehicle.



2.3. April 2014 – Dinah's hollow was closed to traffic removing all risk and eliminating the only practical alternative route to the A350 running north-south through Dorset.

- 2.4. The geotechnical consultant designed a soil nailing solution similar to Beaminster Tunnel for full mitigation of the risk. The cost was established in collaboration with the contractor from Beaminster Tunnel. Estimated at £4m in 2014.



Soil nails at Beaminster Tunnel

- 2.5. The slopes on both sides of the hollow are privately owned. Landowners and local residents were opposed to the project and no progress was made in negotiations to transfer ownership or to reach any form of agreement that would permit the installation of soil nails.

### **3. Cabinet Decision to Re-open C13 Dinah's Hollow**

- 3.1. On 13 May 2015 Dorset County Council (DCC) Cabinet considered a paper, ['C13 Road Closure Risk Comparison Analysis'](#) .
- 3.2. The paper discussed: the problems caused by vehicles using unsuitable routes to circumnavigate the closure; local pressure to reopen due to the length of time the road had been closed; anecdotal reports of increased collisions on alternative routes; damage to vehicles and property; and damage to the fabric of the highways.
- 3.3. The Dorset County Council Risk Management template was used to quantify the risk associated with five significant areas of risk: Financial; Strategic; Health & Safety; Reputation; and Service Delivery.
- 3.4. Four scenarios were considered: Re-opening the C13 to all traffic on a temporary basis; Re-opening the C13 to HGVs only on a temporary basis; Retaining the C13 road closure for another 8 month and retaining the road closure for another 27 months. The continued closures were



assessed as presenting the highest risk, opening to HGVs the lowest risk and opening to all traffic slightly higher.

- 3.5. The [minutes](#) 178-180 and Annexures 1 and 2 record the discussion, including public representations, the resolution and the reasons for the decision. Cabinet resolved to re-open the road with temporary traffic management restricting traffic to alternate single lane running between barriers directing vehicles down the centre of the carriageway.
- 3.6. On 10 June 2015 [Audit and Scrutiny Committee](#) confirmed the cabinet resolution and the C13 was re-opened in July 2015
- 3.7. Officers continued to work towards obtaining planning consent, landowner approval, LVIA reports, ecological reports and woodland tree preservation orders consent. The geotechnical consultant continued to refine the design of the slope stabilisation.

#### **4. Cabinet decision to suspend work on stabilisation project**

- 4.1. On 02 December 2015 Cabinet considered a paper, '[Dorset's North-South Highway Infrastructure \(A350/C13 and A37/A354\)](#)'.
- 4.2. The paper contained detailed discussion of the economic assessment of improvements to the North-South corridors. It notes that Government funding for transport is closely aligned to delivering economic growth and development. The improvements considered were shown to have a poor Benefit Cost Ratio.
- 4.3. More positively it reports, 'Dorset County Council have recently been approached by Bath and North East Somerset, and Wiltshire Councils to work collaboratively, together with our respective LEPs, to compile an evidence-based prospectus to assist in any future funding bid for a strategic infrastructure improvement between the M4 and the ports of Poole and Portland.'
- 4.4. The [minutes](#) 399.3 and 399.4 record the resolution that the proposed Dinah's Hollow Slope Stabilisation scheme be suspended until a definitive decision has been reached regarding the funding of a north/south strategic link between the M4 and Poole Port following the collaborative work with Bath and North East Somerset and Wiltshire Councils. 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 apart from a short period following a landslide (see below).

4.5. Subsequently, the Road Improvement Strategy (RIS2) consultation occurred Dec 2017 - Feb 2018. As part of the consultation response in Feb 2018, DCC made a request to DfT for a strategic study of routes north-south through Dorset in the next Road Investment Strategy (RIS2) period 2020-25. The Budget 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 LEPs and the Western Gateway Sub-National Transport Body. However, the A350 has not been included in the Major Road Network (MRN) and is not on the Strategic Road Network (SRN). The potential for Government funding for the improvements at Dinah's Hollow is reduced because it is not on the SRN or MRN.

## **5. Cabinet Response to Landslip from East Bank**

5.1. On 9 March 2016 approximately 35 tonnes of soil slipped from the east bank into the hollow and displaced the concrete barriers closing the road.



5.2. This was reported to the cabinet meeting on 16 March 2016 under the item for the Quarterly Asset Management Report (QAMR) and recorded in [minute 55](#). The cabinet was supportive of actions to be taken by officers, either to reopen the road, or, to keep it closed. The decision would be dependent on assessment of future risk. Audit and Scrutiny

Committee considered the QAMR on 22 March 2016 but did not comment on Dinah's Hollow.

- 5.3. Investigation by geotechnical consultant WSP identified the probable trigger for the landslide as water running off the adjacent land over the face of the slope. The investigation recommended drainage works at the top of the slope to intercept the water to remove this as a possible trigger for future landslips.
- 5.4. On reassessment, the balance of risk to all highway users across all the five significant areas was not affected by the landslide and the road was re-opened with the intention of undertaking the east bank drainage works to mitigate risk.
- 5.5. The Cabinet decision dated 6 October 2020 approved proceeding with the recommended solution of soil nailing to stabilise the banks should be progressed and noted that for full mitigation of the risk of landslide through Dinah's Hollow, work was needed on both sides of the highway.

## **6. Slope Stabilisation Scheme - Work Ongoing and Required, Cost, Programme**

- 6.1. Due to the time elapsed since Dorset Council Cabinet's approval of the scheme in 2021, the following reports and consent applications are being reviewed and where necessary are being updated:

Landscape Visual Impact Assessment (LVIA)  
Consent for Works within Tree Preservation Order (previous consent to fell protected trees granted on 02 February 2016 has expired)  
Geotechnical design (review previous work against current best practice for soil nailing and current site conditions)

- 6.2. The summary costs are:

Total project cost	£8,000,000
Less Corporate Capital funds currently allocated	£4,493,000
Additional funding required	£3,507,000

6.3. If funding is approved the start date for works on site would be dependent on ecological constraints and the land acquisition timescale.

6.4. Prior to commencement of construction, the Council will carry out up to date ecological studies (protected species including badgers, bats, dormouse).

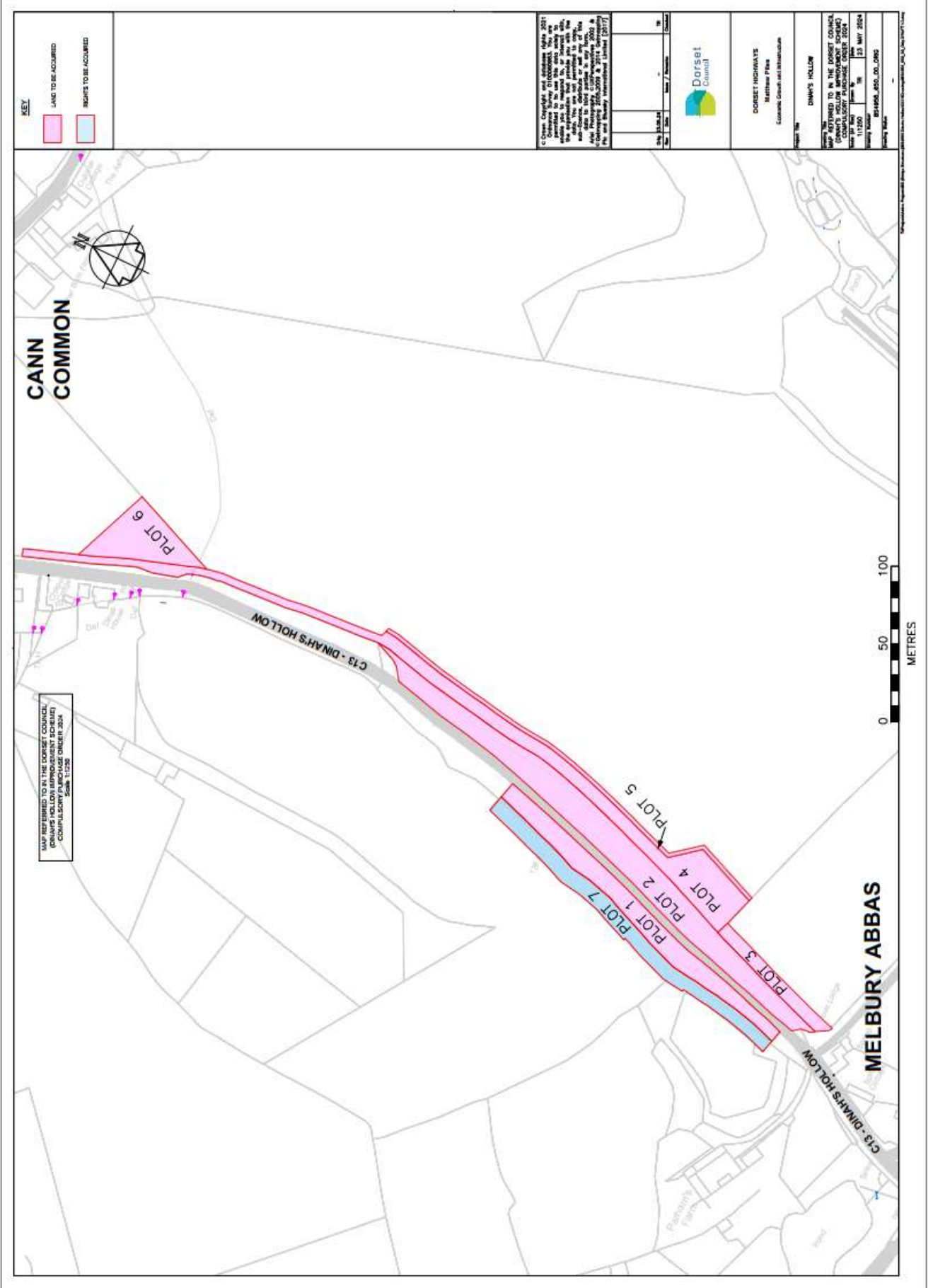
6.5. It is estimated that the C13 at Dinah's Hollow would need to be closed for 12 months to deliver the Scheme. An outline programme is included in Appendix C.



## Appendix C

[illegible]

## Appendix D



**Appendix E**  
**Landscape and Ecology Report V2 2024**

# **LANDSCAPE AND ECOLOGY REPORT**

**DINAH'S HOLLOW**

**MELBURY ABBAS**

**For**

**Dorset Council Highways**

**Version 2**

Tony Harris BA Dip LA CMLI  
Chartered Landscape Architect  
**Landscape & Ecological Design  
and Management**



# Contents

Introduction.....	2
1. Landscape Impact.....	3
1.1. Review of July 2015 Landscape & Visual Impact Assessment (LVIA) by Nicholas Pearson Associates..	3
1.2. Changes.....	3
1.3. Summary of Landscape Character impacts.....	5
1.4. Visual Receptors.....	5
1.5. Public Rights of Way.....	7
1.6. Summary of Visual impacts. (on people experiencing the landscape) .....	8
2. Ecological Impact Assessment.....	9
2.1. Introduction .....	9
2.2. Assessment summary of ecological impacts and mitigations.....	11
2.2.1 Habitat assessment .....	11
2.2.2 Dormouse .....	11
2.2.3 Bats .....	11
2.2.4 Badgers .....	11
2.2.5 Birds .....	12
2.2.6 Great Crested Newts .....	12
2.2.7 Amphibians and Reptiles .....	12
3. Landscape and Ecological Mitigation. ....	12
3.1. Planting and Revegetation Strategy.....	13
3.2. Habitat Enhancement measures.....	16
3.3. Hard landscape details.....	17
3.4. Long term management.....	18
4. References .....	18
APPENDIX A .....	19

# Introduction

The purpose of this report is to provide a holistic approach to both landscape and ecology. It highlights the main landscape and ecological surveys, results and assessments for impacts and mitigations. It includes a review of the 2015 landscape and visual impact assessment and a summary of the main findings of the interim ecological impact assessment.

Please read in conjunction with Plan No: 70092067-WSP-3000-DRW-002 and 70092067-WSP-3000-DRW-003, Landscape & Ecological Mitigation Plans showing trees to be retained and those to be felled, trees to be coppiced, the approximate extent of existing vegetation unaffected by the works, new planting details and the drainage layout along east side of Holloway.

The report covers the following to ensure that all landscape and ecological considerations are assessed:

- The landscape and main ecological impacts of the scheme.
- The landscape and ecological mitigation measures.
- Habitat enhancement measures
- Hard landscape detailing

**Given the uncertain timeline for the construction start of the scheme, landscape and ecological assessments are likely to require updating. Timings of further surveys e.g., for ecological receptors are indicated in the relevant sections below.**

# 1. Landscape Impact

1.1. Review of July 2015 Landscape & Visual Impact Assessment (LVIA) by Nicholas Pearson Associates.

This has been carried out to assess and consider the latest engineering proposals.

It is worth reiterating the highly sensitive nature of the study area due to its Area of Outstanding Natural Beauty status (since November 2023 known as The Cranborne Chase National Landscape) with a high landscape value and high landscape sensitivity to change. See Cranborne Chase AONB Landscape Character Assessment dated June 2003 and the Landscape Sensitivity Report dated May 2007<sup>1</sup>.

It is also worth stating that despite this wider context, the immediate road corridor is steeply sloping, densely vegetated and surrounded by an undulating landform covered by a network of linear wooded groups of trees. This means the immediate area is highly enclosed.

## 1.2. Changes

The primary changes from the original scheme (July 2015 Tree works Plan No. BS4958/610/D) is:

- the addition of an earth bund and lagoon drainage scheme along the edge of the eastern side of the wooded slopes (see Plan no 70092067-DR-0503 Dated Feb 2023),
- the change from the masonry wall adjacent to the highway to one using an exposed aggregate concrete fascia.
- The felling of 47 more trees, greater than 8cm diameter, 8 on the west side and 39 on the east.

These numbers include trees to be removed for engineering works and trees to be removed for good management (see Table below). It is understood this is the worst-case scenario as some trees may well be saved on site as work progresses.

	WEST	EAST	TOTAL
RETAIN	61	39	100
RE-COPPICE	11	27	38
REMOVE	25	55	80
			218

The potential impacts on landscape character and visual amenity have been recognised by Dorset Council from the outset and measures to help in the mitigation of these impacts have been included within the scheme design. In outline, mitigation will include the following:

- 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.

<sup>1</sup> [https://cranbornechase.org.uk/wp-content/uploads/2020/04/LandscapeCharacterAssessment\\_HIGHRES.pdf](https://cranbornechase.org.uk/wp-content/uploads/2020/04/LandscapeCharacterAssessment_HIGHRES.pdf).  
<https://cranbornechase.org.uk/wp-content/uploads/2020/04/LandscapeSensitivityMay2007.pdf>

- Replanting through a range of whole sizes in the mesh reinforcing.
- 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.

#### Assessment review notes:

The same assessment methodology and terminology has been used in this review as that used in the original 2015 assessment for clarity of comparison. This review has followed the principles of the guidance provided in the 'Review of LVIAs' Landscape Institute Technical Guidance Note 1/20 dated Jan 2020<sup>2</sup>

In summary this included the following:

- Checking the methodology, criteria and process. In particular the identification of landscape and visual receptors.
- Checking the baseline, content and findings. In particular determining sensitivity and magnitude of change and agreeing viewpoints to be assessed.
- Checking the presentation of the findings.

Tony Harris was involved in agreeing to the above steps with Nicholas Pearson Associates back in 2015 and this review found that the original LVIA was sound and fit for purpose.

The assessment of effects are immediately following the engineering works, tree felling and coppicing and the long- or longer-term effects mentioned in this assessment, will start to have a positive impact from 5-10 years post construction.

The winter views of the proposals are part of the worst-case scenario and may well create different levels of impact. Certainly, close-range impacts (viewpoints 2 and 3 in particular) will be more significantly adverse when there is no greenery on surrounding deciduous vegetation.

The impacts of the latest scheme on the following receptors are assessed below.

#### **Landscape Receptors:**

Area 1A: Melbury to Blandford Chalk Escarpment. (As stated in the CCWWD AONB Landscape Character Assessment LCA). The overall level of effect from the scheme will remain as Slight Adverse - Negligible reducing to Negligible over 10 years as the woodland regenerates.

Area 7: North Blackmore Vale Rolling Vales. (NDDC LCA)

The overall level of effect from the scheme will remain as Slight Adverse - Negligible reducing to Negligible over 10 years as the woodland regenerates.

Area 8: North Dorset Escarpment (NDDC LCA)

The overall level of effect from the scheme will remain as Negligible as the panoramic views effected by the scheme will only be experienced at a local level only and within a relatively small part of the overall receptor.

---

<sup>2</sup> <https://landscapewpstorage01.blob.core.windows.net/www-landscapeinstitute-org/2020/01/20-1-Reviewing-LVIAs-and-LVAs-Final.pdf>



#### The Site: (within the Holloway)

The latest proposals will now change the 2015 assessment: from Moderate-Substantial Adverse to Substantial Adverse effect immediately following the engineering works, tree felling and coppicing. 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.

### 1.3. Summary of Landscape Character impacts

Most landscape character impacts will remain and be restricted, as stated in the LVIA, to the Holloway itself. This is the case with the most recent scheme proposal. Overtime, from 5-10 years post construction, as the ground flora, coppiced and re pollarded trees regenerate and the new planting areas mature, the impacts on the wider landscape will reduce which will help integrate the scheme into the surrounding landscape.

The landscape treatment of the proposed 2m wide eastern bund and lagoon (part of the proposed drainage scheme) and associated maintenance strip and the Oak and Pine tree planting (outlined on page 13 below); will all also help to soften, naturalise and therefore integrate the whole of this eastern side of the wooded slopes into the surrounding landscape.

### 1.4. Visual Receptors

Due to their location in the AONB all receptors are classified as highly sensitive

#### Cann Common: Representative viewpoint 4. (footpath N59/24)

The mature trees seen in this view are at northern end of Dinah's Hollow and not within the stabilisation works. For this reason, there will be a Low magnitude of change in the view resulting in a Negligible to Slight adverse level of effect.

#### Melbury Abbas: Representative viewpoint 13

See C13 to the south of Dinah's Hollow below.

#### C13 to north of Dinah's Hollow: Representative viewpoint 1 and sequential views in association with 2 and 3.

This is a sequential view as road users only will see this view but they will perceive a change in the character of the Holloway. The existing 'green tunnel' effect will go as the intact canopy vegetation in particular beyond the road sign, will be removed.

This will therefore change from a Low magnitude of change in the view resulting in a Slight Adverse level of effect, to a Moderate magnitude of change in the view resulting in a Moderate Adverse level of effect. The level of effect will reduce to Slight Adverse- Negligible in the longer term as vegetation regenerates.

#### C13 within the northern part of Dinah's Hollow: Representative viewpoints 2 and sequential views in association with Viewpoints 1 and 3.

This is a sequential view as road users only will see this view but they will perceive a significant change in the character of the Holloway. The engineering infrastructure of the concrete retaining

wall, the mesh netting, soil nails and spike plates will all be very prominent as users pass through the Holloway. The existing 'green tunnel' effect seen in this view will go, as the intact canopy vegetation in particular on either of the road is cleared.

This will therefore change from a Low magnitude of change in the view resulting in a Slight Adverse level of effect, to a High magnitude of change in the view resulting in a Substantial Adverse level of effect. The level of effect will reduce to Slight Adverse in the longer term as vegetation regenerates.

C13 within the central part of Dinah's Hollow: Representative viewpoints 3 and sequential views in association with Viewpoints 1 and 2.

This is a sequential view as road users only will see this view but they will perceive a significant change in the character of the Holloway. The engineering infrastructure of the concrete retaining wall, the mesh netting, soil nails and spike plates will all be very prominent as users pass through the Holloway. The existing 'green tunnel' effect seen in this view will go as the intact canopy vegetation in particular on either of the road is cleared.

This will therefore now change from the Medium-High magnitude of change in the view resulting in a Moderate- Substantial Adverse level of effect to a High magnitude of change resulting in a Substantial Adverse level of effect. This will reduce to Slight Adverse in the longer term as all vegetation regenerates and grows.

C13 to the south of Dinah's Hollow: Representative viewpoint 13.

This is a sequential view as road users only will see this view but they will perceive a change in character at the southern edge of the proposals at the 'entrance' of the Holloway. The engineering infrastructure of the concrete retaining wall, the mesh netting, soil nails and spike plates will begin to be noticed users approach the Holloway. The existing 'green tunnel' effect seen in this view will go as the intact canopy vegetation in particular on either of the road is cleared.

This will therefore now change therefore from a Low magnitude of change in the view resulting in a Slight Adverse level of effect, to a Medium-High magnitude of change in the view resulting in a Moderate- Substantial Adverse level of effect. This will reduce to Slight Adverse in the longer term as all vegetation regenerates and grows.

C13 at Spread Eagle Hill: Representative viewpoint 14.

This is a sequential view as mainly road users will see this view. The northern and central parts of the woodland within the site boundary are visible in the middle distance. The density and mass of the woodland will be reduced and thinned out as a result of the proposals. It is felt though that there are enough retained mature trees to maintain the overall appearance of a wooded canopy particularly since the view is looking up (north east) the slope of the Holloway. The existing trees and wooded areas within this view, along the foreground for example, will help to minimise any adverse effects and the impact on the overall panoramic 'view in the round' will be minor.

This will therefore now change from a Low magnitude of change in the view resulting in a Slight Adverse level of effect, to a Medium magnitude of change in the view resulting in a Slight-Moderate Adverse level of effect.

In time, when the proposed planting and management works take effect and mature, this level of effect will be minimised.

What will also help minimise the effect on this view is the proposed landscape and ecological enhancements proposed for the earth bund and lagoon drainage scheme along the edge of the eastern side of the wooded slopes, see 1.2 above. This will help create a varied woodland edge with

a scrub layer on the earth bund grading out from the canopy of mature trees into a rough grassland edge along the maintenance track. This will also create sheltered edge habitat for birds and invertebrates.

#### 1.5. Public Rights of Way

Footpath to the north of Dinah's Hollow: See Cann Common text 1.4 above.

Bridleway to NE of Cann Common: Representative viewpoint 5.

This will remain as stated in the LVIA: a Negligible magnitude of change in the view resulting in a Negligible level of effect as the trees within the Holloway are concealed from this view.

Bridleway to Zig Zag Hill: Representative viewpoint 6.

This will remain as stated in the LVIA: a Negligible magnitude of change in the view resulting in a Negligible level of effect as the trees within the site are barely perceptible.

Open Access land at Breeze: Representative viewpoint 7.

It is mainly the trees along a significant length of the site, along its eastern edge, that are visible in the middle distance. This 'side on' view will show a noticeable reduction in the overall extent of tree canopy. However, this is a 'sought after' view with the changes only noticeable when specifically looking at the site itself and not the wider context. This wider view will be experienced against the background and foreground of nearby linear belts of trees and woodland so the overall panoramic 'view in the round' will not be significantly impacted upon.

It is felt therefore that there will be Low-Moderate magnitude of change in the view resulting in a Slight-Moderate Adverse level of effect. In time, when the proposed planting and management works take effect and mature, this level of effect will be minimised. See viewpoint 14 comments.

Footpath between C13 and Compton Abbas Airfield: Representative viewpoint 8.

The tree canopies within the site are visible in the middle distance. This oblique view will show a reduction in the overall extent of tree canopy. However, despite being on a designated right of way this is a 'sought after' view with the changes only noticeable when specifically looking at the site itself and not the wider context. This wider view will be experienced against the context of the wider landscape so the overall panoramic 'view in the round' will not be significantly impacted upon. This will remain therefore as stated in the LVIA: a Low magnitude of change in the view resulting in a Slight Adverse level of effect.

Footpath between C13 and Compton Down and Melbury Hill: Representative viewpoint 10.

The tree canopies within the site are visible in the middle of this view and users heading north on this right of way will get a direct view towards the site. The density and mass of the woodland canopy will be reduced and thinned out as a result of the proposals. It is felt that there are enough retained mature trees to maintain the overall appearance of a mainly wooded area particularly since the view is looking up (north) the slope of the Holloway. The changes will also only be noticeable when specifically looking at the site itself.

The existing trees and wooded areas within this view, along the foreground of the middle distance for example, will help to minimise any adverse effects and the impact on the overall panoramic 'view

in the round' will be minor. This will now change from a Low magnitude of change in the view resulting in a Slight Adverse level of effect to a Moderate magnitude of change in the view resulting in a Moderate Adverse level of effect.

Footpath on Melbury Hill: Representative viewpoint 11.

Trees along a significant length of the site, mainly along its western edge, are visible in the middle distance. This oblique view will show a noticeable and apparent reduction in the overall extent of the wooded tree canopy. However, despite being on a designated right of way this is a 'sought after' view and the changes will only be noticeable when specifically looking at the site itself and not the wider context. This view will be experienced against wider elevated, expansive and extensive vistas so the overall panoramic 'view in the round' will not be significantly impacted upon.

For this reason, this will remain as stated in the LVIA: a Low magnitude of change in the view resulting in a Slight Adverse level of effect. In time, when the proposed planting and management works take effect and mature, this level of effect will be minimised.

Café at Compton Abbas Airfield: Representative viewpoint 9.

This will remain as stated in the LVIA: a Negligible magnitude of change in the view resulting in a Negligible level of effect as the trees within the site are concealed from this view.

Melbury Abbas & Cann Common Village Hall: Representative viewpoint 12.

A small section of the western side of the woodland canopy within the site will be removed but it is a 'sought after' view from one corner of the car park. It will therefore remain as stated in the LVIA: a Negligible magnitude of change in the view resulting in a Slight Adverse level of effect.

## 1.6. Summary of Visual impacts. (on people experiencing the landscape)

As stated, nearby views towards the site are limited by the local undulating landform and the linear pattern of mature tree belts. Where the C13 passes through the Holloway is when the most significant adverse impacts inevitably will arise. Longer range views of the scheme will have a limited, minor, impact on the overall panorama and the 'view in the round' and will not be significantly adversely affected.

The retention of as many trees on the upper and middle slopes will help to retain the overall feel and intactness of a largely wooded Holloway. In the longer term, 5-10 years, as the ground flora and coppiced trees regenerate and the newly planted trees and shrubs mature, will all help to integrate the scheme into its surrounding landscape.

The landscape treatment of the proposed 2m wide eastern bund and associated maintenance strip and the Oak and Pine tree planting (outlined on page 13) will also help to soften, naturalise and therefore integrate both of the eastern and western sides of the wooded slopes, even if only viewed and seen from distant viewpoints.

### Viewpoint review summary of level of effect:

- Substantial adverse= 2no
  - Moderate-Substantial adverse= 2no
  - Moderate adverse= 2no
-

- Slight-Moderate adverse= 2no
- Slight adverse= 3no
- Negligible-Slight adverse= 2no
- Negligible= 3no

6no viewpoints are assessed as Moderate Adverse or above and 10no are below this Moderate level. Many environmental statements and landscape and visual assessments contain the statement that an effect considered to be 'moderate or above' is significant in the context of assessment regulations. If this assertion is used in this project, it is a guide that supports the mitigation measures outlined in section 3 below.

## 2. Ecological Impact Assessment

### 2.1. Introduction

This section summarises the rationale and key results of the ecological survey and assessment carried out at Dinah's Hollow during 2023. 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 **will require further consideration** once the final timescale and 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 changes to the final scheme which may reduce or increase the potential impacts.

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 guidance for [ecological impact assessment](#) (CIEEM 2022). There will be specific measures for each which will be included within the mitigation section of this Landscape and Ecological Report which as indicated may change following any further surveys that may be required.

The ecology survey work in 2015 identified six species of bats, whereas during 2023 twelve species were identified. These include western barbastelle *Barbastella barbastellus*, internationally near threatened as recognised by the International Union for the Conservation of Nature (IUCN), (Piraccini 2016). All bats are protected in the UK within the 2017 Conservation of Habitats and Species Regulations as implemented in the UK, and the Wildlife and Countryside Act 1981 (as amended). Importantly, Hazel dormouse has been identified which was not found during surveys in 2015, and is protected as a European Protected Species under the 2017 Conservation of Habitats and Species Regulations, as implemented in the UK. Hazel dormice are also protected under the Wildlife and Countryside Act 1981 (as amended). As such there is a need to apply to Natural England for a mitigation licence (see interim ecology report) The general planting and habitat management recommendations for this species are included within this report. However, pertinent habitat management work will be detailed within the licensing conditions from Natural England. This is to

ensure compliance with the licensing conditions and to maintain continuity of habitat conditions, e.g. species selection for planting and ongoing maintenance of their habitat.

The main considerations of ecological impact assessment are shown in Box 1.

<sup>1</sup> WCA (Wildlife & Countryside Act 1981 (as amended))

<sup>2</sup> EPS (European Protected Species) EPS are protected under the Conservation of Habitats and Species Regulations 2017

<sup>3</sup> Protection of Badgers Act 1992

<sup>4</sup> WCA schedule 1 disturbance of certain species of nesting birds

<sup>5</sup> NERC (Natural Environment & Rural Communities Act 2006) s41 species & habitats of principal Importance

<sup>6</sup> 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<sup>1</sup>). 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.

#### <sup>7</sup> POTENTIAL HABITAT NETWORK

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

#### 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.

Box 1. Legislation and policy relating to ecological interests at Dinah's Hollow

## 2.2. Assessment summary of ecological impacts and mitigations

### 2.2.1 Habitat assessment

The wooded slopes were recorded as being similar to lowland broad-leaved and mixed woodland with several plant species which are indicative of ancient woodlands. Woodland continuity which ensures woodland cover within an existing ecological network is deemed important here. There are limited amounts of standing and fallen deadwood due to safety works to trees and there being no veteran trees. Replacement trees should include species such as Field Maple, Whitebeam and Hazel. Replacement planting of ferns and vascular plants will be required and undertaken in areas subject to losses and/or within suitable receptor sites within the hollow. The change in woodland structure is likely as a result of tree removal with an increase in understorey leading to structural diversity. A mix of woodland structures which include young growth/coppice and canopy trees is known to benefit a wide range of woodland associated species. Retention of tree canopy across the highway to act as a linking arboreal habitat for Dormouse and flightlines for bats will be important objectives.

### 2.2.2 Dormouse

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 includes 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.

### 2.2.3 Bats

Twelve species of bats were identified using the hollow. All species of bats use woodlands for foraging, commuting, and roosting. As such mitigation must retain woodland cover along the hollow, especially mature trees. Bats will benefit from some creation of open canopy where understorey can be allowed to develop. As with Dormouse, retaining woodland extent is vital to reduce the negative impacts of fragmentation known to limit bat species movements. Surveys of trees using endoscope did not identify any roosts. However, it will be necessary to assess all trees identified for felling or safety pruning work for bat roosts as several trees are known to have potential bat roost features e.g., woodpecker holes. These surveys must be done well in advance of the proposed works to allow time for a licence application to be prepared and submitted to Natural England. Where active roosts are identified then 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. Replacement roost boxes will be required for loss of potential roost features where these have been identified and included as additional to contribute to enhancement opportunities for bats

### 2.2.4 Badgers

There was evidence of badger activity across the slopes. There are four setts none of which were active during the survey. However, these will be checked again well in advance of any construction works as the time elapsed could mean they become active again. Licensing may be required to close down a sett where the construction area cannot be altered to avoid it. The licensing window for

badgers is 1<sup>st</sup> July to 30<sup>th</sup> November when sett closure must take place to allow construction to begin. Where a Natural England sett interference licence is required there will be pertinent conditions which will be followed within the licence.

#### 2.2.5 Birds

A total of 45 bird species were recorded within the area of Dinah's Hollow with twenty either confirmed or probably breeding. The impact to nesting birds is primarily associated with direct risks from vegetation removal which must avoid being carried out during the bird nesting period typically within 1st March to 31st August. The area of loss is also a consideration e.g., where significant nesting trees are removed. However, increasing areas of dense understorey, e.g., coppice, will likely benefit several species if these coppice shrubs can be retained and/or restored. Additional mitigation planting is recommended which improves the woodland habitat network within which Dinah's Hollow sits. Nesting opportunities will be enhanced through the provision of suitable nestboxes and nest platforms.

#### 2.2.6 Great Crested Newts

Surveys did not reveal any breeding populations of this species. However, Dinah's Hollow sits within the [Amber risk zone](#) for this species which contain main population centres for GCN and comprise important connecting habitat that aids natural dispersal. This means that there is still a risk of encountering the species using the wooded slopes and as such mitigation is required which includes oversight by a suitably qualified/experienced ecologist and a method statement which must be followed during the construction work. Habitat measures will be necessary e.g., creation of log and brush wood piles to act as suitable alternative refuges for this species during vegetation clearance.

#### 2.2.7 Amphibians and Reptiles

Other common species in this group are likely to use the slopes although for reptiles this is 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.

### 3. Landscape and Ecological Mitigation.

This is subdivided between Planting and regeneration, Habitat enhancement, Hard landscape and Long-Term Management measures.

Given the importance of woodland the principles of management towards greater ecological resilience in the face of changing climate is vital. In addition to the species-specific measures which have been covered in the Interim Ecological Report (24 May 2024) this guidance follows the UK Forestry Standard (<https://www.gov.uk/government/publications/the-uk-forestry-standard>) where biodiversity conservation is concerned alongside the principles of nature recovery as set out in the Environment Act 2021 for a bigger, better, and more joined up habitat network. As a special wooded Holloway continuity of tree cover is recognised and measures which accord with both legal requirements e.g. licensing conditions for protected species, and best practice for woodlands will be followed alongside the landscape character which is distinctive of the location.

**NB:** Measures informed by the Ecological surveys (see overall Interim Ecological Report).



- Within the stabilisation works area Trees (>8cm girth) to be felled: West side 25no; East side 55no. = 80no total\*.  
Within the stabilisation works area trees to be coppiced: West side 11no; East side 27no.  
= 38no total.
- Within the stabilisation works area Trees (>8cm girth) to be retained: West side 29no; East side 20no. = 49no total.

Tree holes in the reinforcing mesh can be installed every 100m<sup>2</sup> approximately. These are to accommodate specific existing trees e.g., of high ecological and/or amenity value within the extent of soil nailing and for any additional planting in this area.

**NB:** Of the trees to be removed\* there are 42no that have to be removed due to their current condition (Category U) as surveyed in the tree survey. (see Arboricultural Impact Assessment and Method Statement dated 28th June 2024). These are in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.

### 3.1. Planting and Revegetation Strategy.

As mentioned 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. Added to this is the planned retention of key trees and areas of existing ground flora.

This work will constitute much needed positive woodland management which ensures diversification of the age structure and management of the vegetation which has not happened for many years.

This all contributes to an integrated 'landscape ecology' led approach to the conservation and enhancement of the setting of the scheme. It also ensures that this wooded landscape continues to exist as a key landscape feature in the area rather than deteriorate over time.

The attached sketch cross sections provide an indicative illustration of how the proposed mitigation measures will help to revegetate the slopes in time. Please note these sections are just one way to help illustrate how the proposals may be perceived and are not exact or precise recreation of the slopes, the planting and the regeneration.

See Appendix A.

Please read in conjunction with the Landscape & Ecological Mitigation Plans No70092067-WSP-3000-DRW-002 and 70092067-WSP-3000-DRW-003

This strategy will include the following measures:

#### **Coppicing:**

A total of 38no trees (greater than 8cm girth at 1.3m high) will be coppiced as stated above this includes the following species: Sycamore, Hazel, Ash and Hornbeam.

The predicted regrowth rate will be approximately 400mm p.a. and these trees will be monitored by Dorset Council and a 5–10-year coppice rotation established.

**Replanting and seeding:** (through holes in the reinforcing mesh):

See Mesh Details on the Landscape & Ecology Mitigation Plans No70092067-WSP-3000-DRW-002 and 70092067-WSP-3000-DRW-003.

The slopes are stabilised after tree clearance and coppicing, by the insertion of soil nails which are then tightened to secure the woven matting and wire mesh onto the slopes.

The erosion control matt will be a flexible 3-dimensional structure which is laid beneath the wire mesh as an underlay. It can be cut to allow planting through the wire mesh holes and will also allow natural regeneration through the woven mesh structure. The large trees to be removed will be replaced by smaller species such as Field Maple and Common Whitebeam, both of the which are native to the area. These may be cut on a longer coppice rotation of 15 to 20 years. Longer rotations provide shaded, closed canopy over an extended period of time, to retain the conditions for which most woodland species are adapted e.g., woodland flora, and mitigate the effects of woodland loss to temporary periods when cutting takes place. This helps preserve the character of open woodland in the Hollow using a suitable silvicultural technique which has been practised in English woodlands for many centuries. This coppice regime also recognises the fact that in time tree girth increase will start to push against the wire rope around each hole.

The estimated number of potential tree holes/medium planting holes within the reinforcing mesh are as follows: Medium planting holes: 70-85no at approximately every 25m<sup>2</sup> and will include the species below, indicating the percentage of each species used:

Tree holes over and above any required to retain existing trees: 12-18no approximately.

List of Trees to be planted in mitigation	Notes
<i>Acer campestre</i> Field maple* 25%	These are to be planted within planting holes within mesh, and within areas outside of mesh to enhance and diversify remaining woodland. Additional species reflect local provenance and ecological characteristics and consider resilience to climate change for continuity of woodland cover. Those with an asterisks are understorey species which are beneficial for Dormice and should be included in a continual planting along the tops of both slopes/mitigation areas and intermittently on suitable areas within or surrounding mesh along slopes. Planting size: 40+cm: 1+ year old, 40-60cm, or 60-80cm.
<i>Sorbus aria</i> Whitebeam 10%	
<i>Crataegus monogyna</i> Hawthorn* 10%	
<i>Corylus avellana</i> Hazel* 25%	
<i>Euonymus europaeus</i> Spindle* 5%	
<i>Ribes rubrum</i> Red Current * 5%	
<i>Ilex aquifolium</i> Holly* 5%	
<i>Prunus spinosa</i> Blackthorn* 5%	
<i>Rosa arvensis</i> Field Rose* 5%	
<i>Viburnum opulus</i> Guelder Rose 5%	
<i>Quercus robur</i> Pedunculate Oak No. 20+	Oak and Scot’s Pine is to be planted within and around mesh wherever possible but also in suitable areas along tops of both slopes. Planting size 100+cm: 1–2-year-old, 100-150cm.
<i>Pinus sylvestris</i> Scot’s Pine No. 5+	
* = Dorset Notable species	

Estimated number of potential planting holes for ferns and other rescued and saved clumps of plants: 130no in small planting holes used very 10m2 or so with the exact location to be agreed with Dorset Council Natural Environment Team.

List of Ferns to be lifted and moved	Notes
<i>Asplenium scolopendrium</i> Hart's-tongue Fern	Plants will be lifted as whole clumps. A sufficient number will be lifted and translocated to suitable receptor areas within the slopes as close by as possible. Regeneration is anticipated from the established and remaining plants.
<i>Dryopteris affinis</i> Scaly Male-fern	
<i>Polystichum setiferum</i> Soft Shield-fern	
<i>Dryopteris dilatata</i> Broad Buckler-fern	
<i>Dryopteris filix-mas</i> Male Fern	

List of woodland vascular plants for mitigation	Notes
<i>Adoxa moschatellina</i> Moschatel *	Where significant effects or losses are likely these species will be translocated to ensure continuity to suitable receptors nearby.  * = Dorset Notable species
<i>Allium ursinum</i> Ramsons	
<i>Carex remota</i> Remote Sedge	
<i>Carex sylvatica</i> Wood Sedge	
<i>Hyacinthoides non-scripta</i> Bluebell*	
<i>Primula vulgaris</i> Primrose	
<i>Stellaria neglecta</i> Greater Chickweed*	
<i>Veronica montana</i> Wood Speedwell *	

Where ground flora establishment of the above species from the retained soils is poor, consideration will be given to seeding these areas with an appropriate seed mix.

NB The provenance of all planting and seeding will be from Dorset or neighbouring areas with seed ideally sourced from nearby nature reserves.

#### New planting areas:

The location of landscape treatment of the proposed earth bund and lagoon drainage scheme along the edge of the eastern side of the wooded slopes is identified on the Landscape & Ecology Mitigation Plan. The earth bund will be planted with native shrub species (see below) and allowed to grow up as a shrub layer. This will enhance the ecological value of this east facing wooded edge by creating a tapering 'ecotone', ranging from mature trees, native scrub and 'down to' rough grassland.

- *Viburnum opulus* Guelder Rose 15%
- *Corylus avellana* Hazel 35%
- *Ilex aquifolium* Holly 5%
- *Crataegus monogyna* Thorn 20%
- *Rosa arvensis* Wild Rose 10%
- *Acer campestre* Field maple 15%

All plants will be 60-90cm 1+2 whips, protected in deer shelters and mulched with mulch mats.

Approximately 20no Oak (*Quercus robur*) in deer shelters as 1-15m tall, 'feathered whips', will also be planted along the top edges of the eastern slope in appropriate locations to ensure the long-term presence and value of canopy species woodland.

Where opportunities exist and for the same reason as above, 10no trees will be planted along the tops of the western side slopes. These will be Pine (*Pinus sylvestris*) and or Oak (*Quercus robur*). These will be in deer shelters and 1-15m tall, 'feathered whips'.

### **Regeneration:**

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. Removing some of the non-native Sycamore saplings from the understorey and thinning some of the Holly will let more light into the ground allowing plants to colonise and help to stabilise the ground.

The reuse of retained existing soils on the slopes will help to ensure native ground flora can regenerate from this seed bank. It will also help avoid the need to bring in topsoil from external sources.

### **3.2. Habitat Enhancement measures**

The following measures will be implemented to enhance the existing ecological value of the site and contribute towards an uplift in woodland species. These measures reflect woodland species identified during ecological assessment and contribute towards biodiversity net gain.

#### **Log and brushwood piles.**

To provide additional deadwood as coarse woody debris which provides shelter and refuge for a range of species including small mammals such as Dormouse. Deadwood brushwood can provide some protection to plantings from Deer. Ten sections of c. up to 5 metres length and 1.5 m wide x 1 m high, of dead hedges will be created around mitigation planting areas and on level ground. These will link to understorey and act as a habitat corridor/refuges for different species of mammals, birds amphibians and reptiles. Cut material from coppicing will be used to create these to reduce amount to be chipped and thereafter during long term maintenance coppicing.

#### **Bird and bat boxes.**

There will be the addition of 3 Tawny owl nest boxes which enhance the opportunities for this species. Boxes will be fitted onto trees using best practice fixings and must be at least 3 metres above ground level on the top of the slopes. <https://www.wildlifeboxes.co.uk/product-page/tawny-owl-box> Three Hobby nesting baskets will be installed into suitable tree tops by arborist climbers. Boxes/baskets will require checking/adjusting and cleaning every 3-5 years.

Locations to be agreed with landowners. <https://www.nhbs.com/long-eared-owl-and-hobby-nesting-basket>.

Bat boxes will be installed prior to engineering work, which reflect two main roost types; for cavity and crevice dwelling bats. Bat species in woodland are often transient in their use of roosts; these will be installed within retained tree cover with a total of 20 roost boxes installed of 10 of each type to be

agreed with the Natural Environment Team. Locations to be agreed with the landowners. These will be in addition to any other boxes/mitigation measures for roosting bats as may be required should licensing be necessary.

#### **Dormice boxes.**

Dormouse nesting boxes will be included within the licence mitigation required (see Dormouse licence conditions to follow for details). These will be located in areas where suitable existing habitat (e.g. retained Hazel coppice and Bramble) is present on both slopes. This will help with the objective to provide additional nesting opportunities to maintain the favourable conservation status of this species. Monitoring will follow the conditions of the licence and thereafter be subject to monitoring by a suitably licenced ecologist.

#### **Standing and fallen dead timber**

Standing and fallen dead timber provides an important component in woodland where it can be used by species with deadwood requirements e.g., wood boring Beetles and woodpeckers. There were several fungi species associated with deadwood present. Standing deadwood is limited because of the proximity to the highway and required safety maintenance. Nevertheless, where there are opportunities to retain and create standing deadwood this will be explored, and otherwise retaining and creating fallen deadwood will be undertaken. Guidance from the UK Forestry Standard for lowland broadleaved woodland will be adopted (<https://www.gov.uk/government/publications/the-uk-forestry-standard>). Short sections (up to 3 metres length) of standing deadwood will be strapped to retained trees where their integrity will not be diminished. Sections of log wood can be left on level ground to replicate fallen dead wood. A minimum of 5 deadwood log piles can be created on each slope and 4-5 short sections 2- 3m long may be strapped to existing trees. Diameters at least 20cm to be used and exact locations to be agreed by arborists and ecologists and landowners. These measures will be monitored during initial inspections and further maintained during the life of the management plan subject to review by arborists and ecologists along with the landowners.

### **3.3. Hard landscape details**

Highway containment options: Assumes exposed aggregate concrete fascia is acceptable

The original engineering scheme included a stone-faced reinforced concrete wall along the highway edges. However new design development has preceded and indicated that this solution would involve significantly more construction implications. For example, more of the slope would have to be excavated away compared to a more minimalist approach, as a greater thickness of wall construction is needed. This would risk potential collapse or degradation of the slope prior to casting the concrete backing for the masonry wall.

This approach would therefore take up more of the lower slopes, due to the required height of the walling, reducing the area for the 'softer' landscape and ecological mitigation measures.

The solution proposed using an exposed aggregate concrete paving fascia, significantly reduces the construction and excavation requirements enabling a larger area for the landscape and ecological mitigation measures. These landscape measures will contribute to the 'softening' of the harder engineering aspects of the whole design.

The exposed aggregate used in the slabs selected will be chosen so that it matches as far as possible, the texture and colour of the Upper Greensand stone used in the local area. Additional native Ivy

(Hedera helix) plug plants will be inserted through the grid mesh into the retained soils so in time a proportion will establish and slowly grow down and over the top edges of the paving slab panelling. The rough texture of the slab surface will help with the establishment of lichens and bryophytes which will enhance the ecological interest and in the weathering of the surface which in turn will help in reducing any adverse visual impact.

#### Comparison with the existing concrete traffic barriers.

The length of the proposed exposed aggregate concrete fascia will be significantly greater than the existing concrete barriers that are in place now. The existing concrete barriers are approximately 143m on both sides and the proposed fascia will be approximately 189m on the east side and approximately 236m on the west. In this way there will inevitably be a significant adverse visual impact caused by this hard edge to the carriageway compared to without this edge treatment and this is recognised in sections 1.3 and 1.4 above. This hard edging is however a key part of the engineering scheme to stabilise the slopes.

As mentioned above, vegetation both planted and any natural regeneration, will be able to grow over this structure and help soften it in time. This cannot happen over the current barriers as they are set back from the slope. From this point of view the proposed scheme will be a more integrated design than the current free-standing barriers despite being along a greater length of the highway edges.

The 2015 LVIA did not assess the impact of the existing current concrete barriers as they were not in place at the time of this assessment.

### 3.4. Long term management

Landscape and ecological maintenance measures will be incorporated into the Dorset Council engineering and highways management plan for Dinah's Hollow. These measures shall include monitoring the areas planted, establishment maintenance operations to ensure all new planting thrives such as weeding, refirming 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. References

CIEEM 2022 (Revised). Guidelines for Ecological Impact Assessment (EcIA) <https://cieem.net/wp-content/uploads/2018/08/ECIA-Guidelines-2018-Terrestrial-Freshwater-Coastal-and-Marine-V1.2-April-22-Compressed.pdf>

Accessed on 18<sup>th</sup> July 2024.

Piraccini, R. 2016. *Barbastella barbastellus*. The IUCN Red List of Threatened Species 2016: e.T2553A22029285. <https://dx.doi.org/10.2305/IUCN.UK.2016-2.RLTS.T2553A22029285.en>.

Accessed on 18 July 2024.

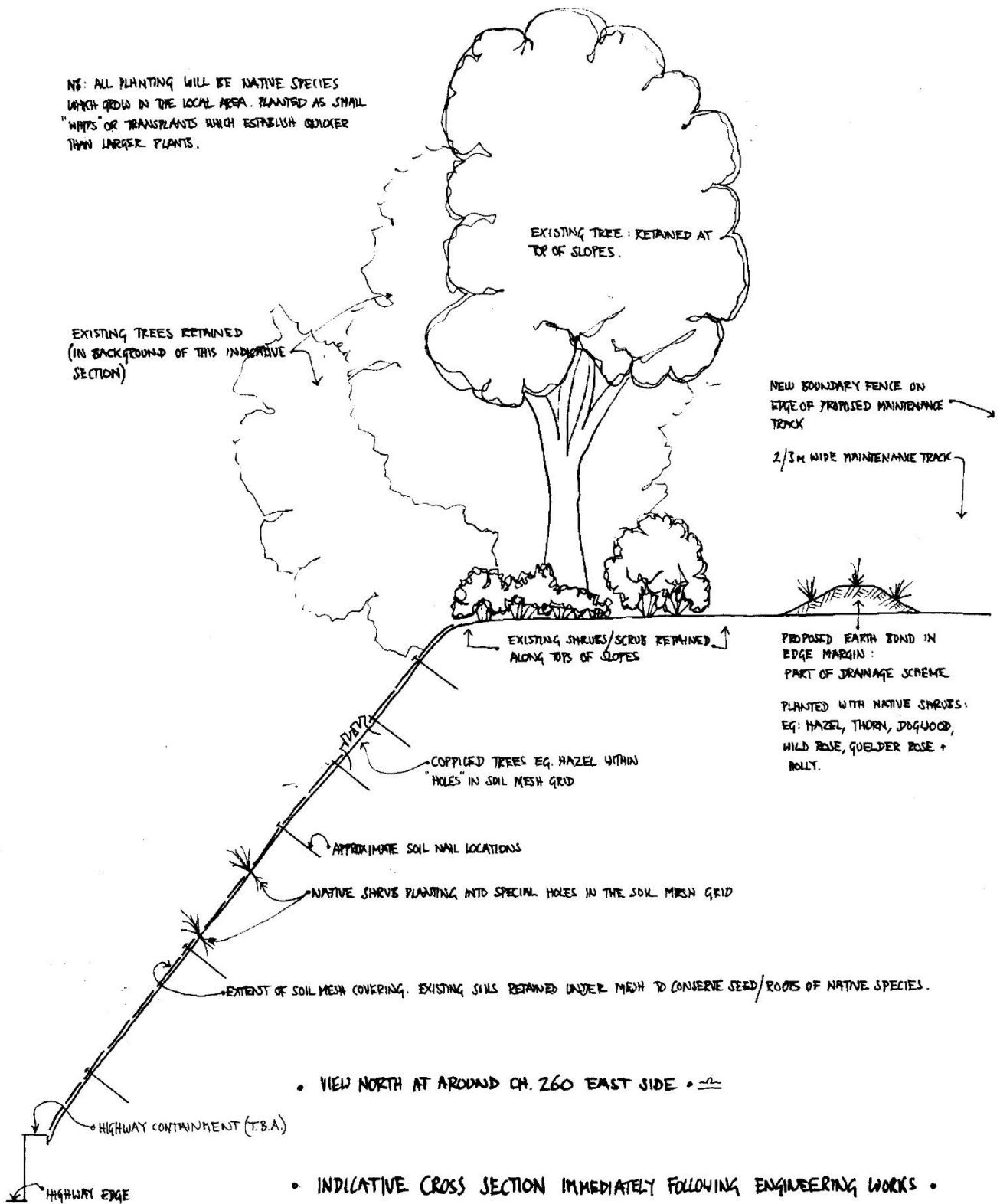
Alder, D (2024) Interim Ecological Assessment for Dinah's Hollow, Melbury Abbas. On behalf of Dorset Council. Version 3, 24<sup>th</sup> May 2024.

# APPENDIX A

• NB: FOR ILLUSTRATIVE PURPOSES ONLY •

1:50@A3

MAY 2024



TH/L+E/1

• NB: FOR ILLUSTRATIVE PURPOSES ONLY •

1:50@A3

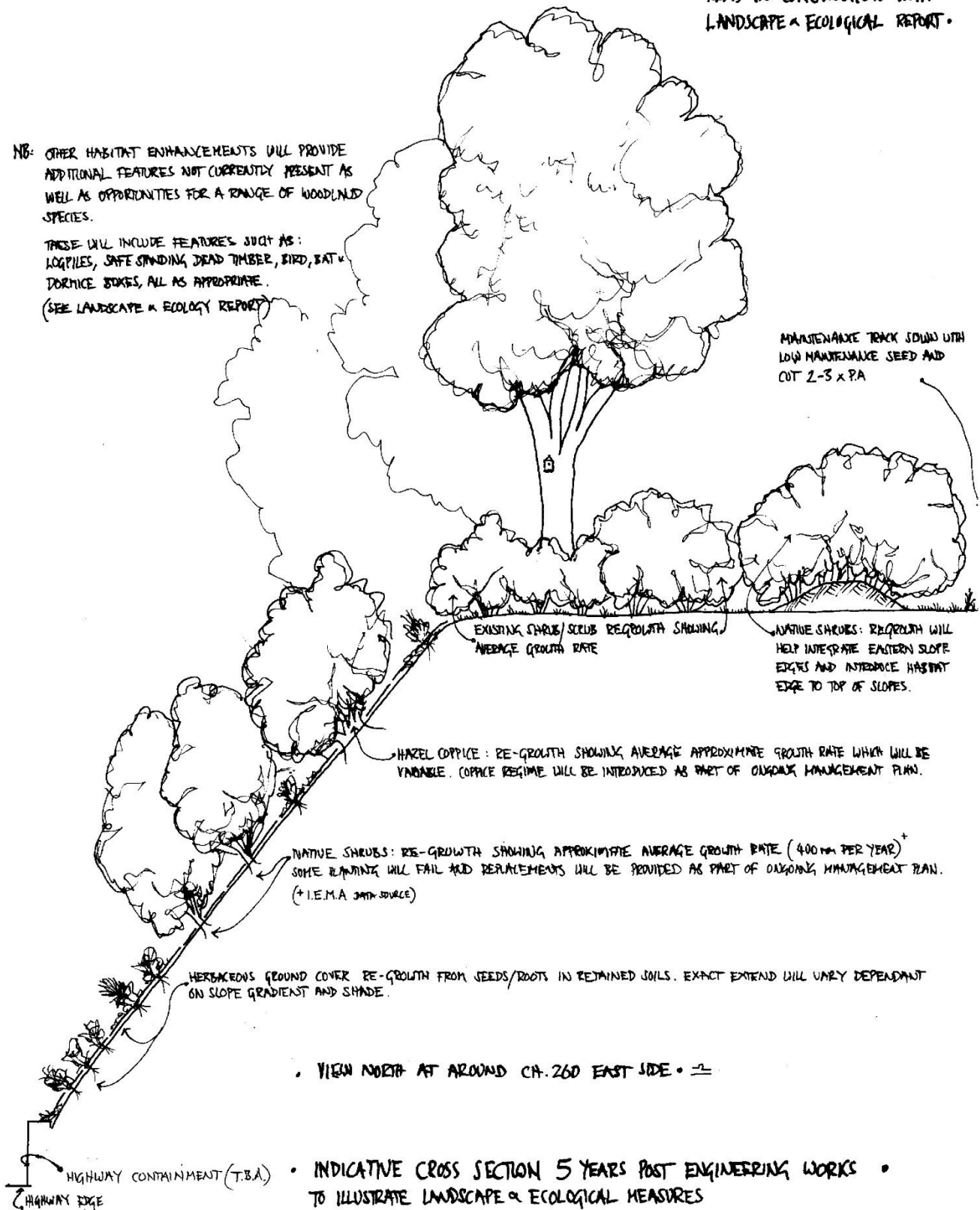
MAY 2024

• READ IN CONJUNCTION WITH  
LANDSCAPE & ECOLOGICAL REPORT •

NB: OTHER HABITAT ENHANCEMENTS WILL PROVIDE  
ADDITIONAL FEATURES NOT CURRENTLY PRESENT AS  
WELL AS OPPORTUNITIES FOR A RANGE OF WOODLAND  
SPECIES.

THESE WILL INCLUDE FEATURES SUCH AS:  
LOGPILES, SAFE STANDING DEAD TIMBER, BIRD, BAT &  
DORMICE BOXES, ALL AS APPROPRIATE.

(SEE LANDSCAPE & ECOLOGY REPORT)



TH/L&E/2