



Dated 8 May 2025

Statement of Case

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

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This is dated 8 May 2025

Statement of Case

1 Introduction

1.1 Purpose of Statement

- 1.1.1 This Statement of Case has been prepared on behalf of Dorset Council (the Council) of County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ ("**Council**") in its capacity as acquiring authority pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 (2007/3617, the **2007 Rules**).
- 1.1.2 On 6 December 2024, the Council 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**).
- 1.1.3 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.
- 1.1.4 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.
- 1.1.5 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.
- 1.1.6 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.
- 1.1.7 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.
- 1.1.8 Dorset Council seeks confirmation of the CPO from the Secretary of State for Transport.
- 1.1.9 Two statutory objections and one non-statutory objection was received to the CPO. By letter dated 11 February 2025, the Secretary of State for Transport has given notice pursuant to Rule 3 of the 2007 Rules of an intention to hold an Inquiry (the **Inquiry**) into the objections. The Inquiry is presently scheduled to be opened on 1st July 2025 at 10am.
- 1.1.10 Dorset Council is both the Local Planning Authority (**LPA**) and also the Local Highway Authority (**LHA**).
- 1.1.11 As LHA, the Council has a duty under Section 41 of the 1980 Act to maintain public highways.

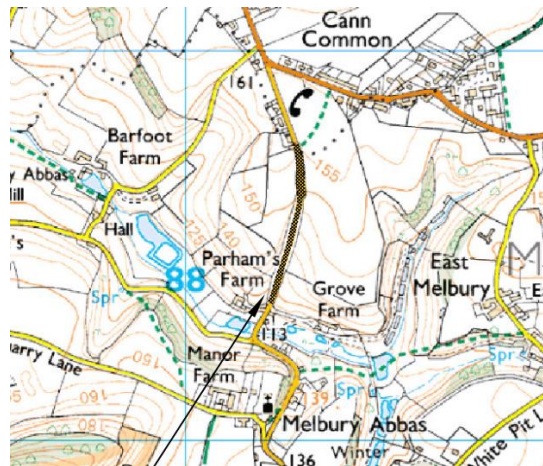
- 1.1.12 Dorset Council has sought to acquire by agreement the required interests in the land in order to deliver the Scheme (the **Order Land**). In doing so, it has taken full account of the Ministry of Housing, Communities and Local Government's Guidance on the Compulsory Purchase Process (the **CPO 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**).
- 1.1.13 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.
- 1.1.14 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.
- 1.1.15 This Statement of Case 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.
- 1.1.16 This document demonstrates that there is a compelling case in the public interest for confirmation of the CPO.
- 1.1.17 This Statement of Case also sets out at Appendix 4 an outline of the Council's responses to the objections.

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

2.1 **Introduction**

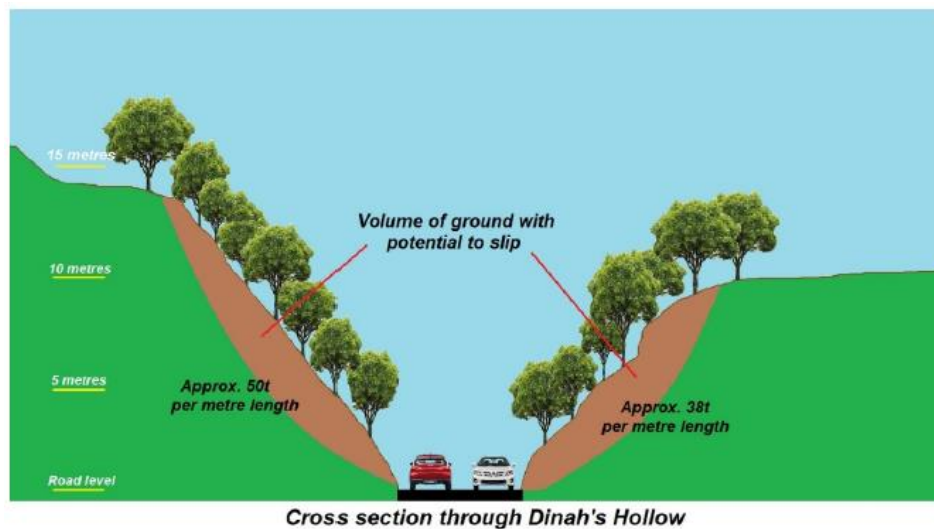
- 2.1.1 Dinah's Hollow is a 350m south/ north length of the C13 linking the north of Blandford Forum with Shaftesbury, Dorset as shown hatched black on Figure 1 below.

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 Blandford 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.

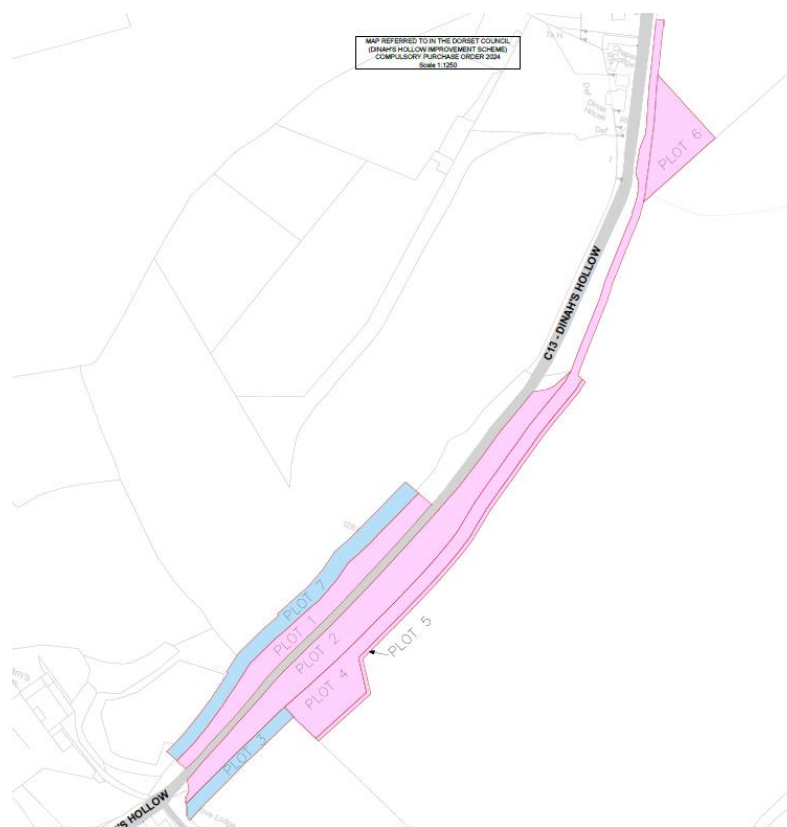
Figure 3 – Map showing the C13 at Dinah's Hollow



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) 10026.8m² of land to be acquired permanently shown edged red and shaded pink on the CPO Map; and
- (b) 2072m² 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 11th 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 19th January 2023 to midday 24th 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 14.4 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"> 1. lay, use, inspect, maintain, replace and cleanse drains and associated inspection chambers; 2. erect temporary fencing; 3. remove and replace the existing fence; and 4. retain, maintain and replace soil nails (which will be installed from within plot 1 and extend physically underground plot 3).
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).

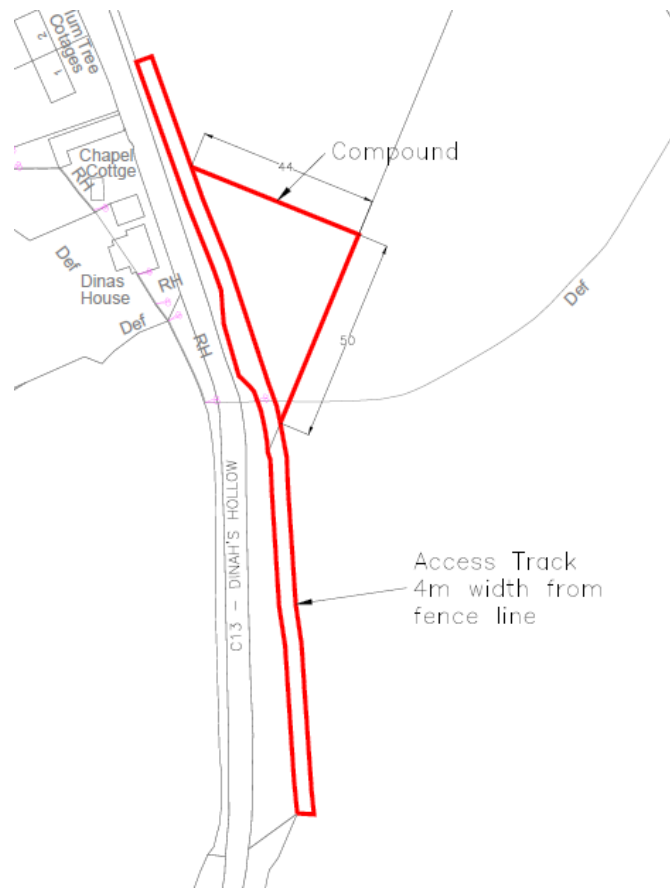
- 2.4.2 The Council has carefully considered the purpose for acquiring each plot and has had regard to the DfT Guidance Note in determining whether full title to each plot is required or whether the acquisition of new rights would be sufficient.
- 2.4.3 The DfT Guidance Note indicates that where an acquiring 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).

Figure 6 – Site Compound



3 Background to the Scheme

3.1 This section sets out the history and development of the Scheme which is required to afford the highway protection against landslide from the Order Land.

3.2 History of the Scheme

- 3.2.1 Proposals for affording the C13 at Dinah's Hollow protection from landslide have been discussed by Dorset Council for over ten years.
- 3.2.2 In July 2012, a landslip occurred at the Beaminster Tunnel which resulted in two fatalities, prompting Dorset Council to carry out a review of similar slopes across the County.
- 3.2.3 Dorset Council commissioned an investigation into the stability of the existing road cutting at Dinah's Hollow which was published by Brody Forbes (a local geotechnical consultant) in December 2013 (**Stability Report**). The Stability Report concluded that whilst the slopes at Dinah's Hollow have existed for many years without evidence of major failure, changes could cause a major collapse, for example:

- (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
Increase in maintenance costs Increase in staff costs Increase in cost for TM on other roads Increase in final construction costs	Financial	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.	1	5	5	Medium
Negative impact on the Council's strategic priorities (Enabling Economic Growth, Health, Wellbeing & Safeguarding)	Strategic Priorities	Negligible impact on the Council's strategic priorities. Re-opening the C13 has a positive bearing on the Council's "Economic Growth" priority.	1	1	1	Low

Risk Description	Risk Category	Notes	Impact	Likelihood	Risk Score	Rating
Risk of fatality or serious injury Damage to the highway network Damage to property	Health & Safety	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
Sustained and long-term negative public attention	Reputation	There will be reputational damage in the short term, but this will quickly reduce.	2	5	10	Medium
Negative impact on service delivery (delivering the Council's core functions)	Service Delivery	Negligible impact on service delivery.	1	1	1	Low
Total					27	

- 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
Increase in maintenance costs Increase in staff costs Increase in cost for TM on other roads	Financial	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
Increase in final construction costs						
Negative impact on the Council's strategic priorities (Enabling Economic Growth, Health, Wellbeing & Safeguarding)	Strategic Priorities	Low risk. No further mitigation proposed	1	1	1	Low
Risk of fatality or serious injury Damage to the highway network Damage to property	Health & Safety	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
Sustained and long-term negative public attention	Reputation	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
Negative impact on service delivery (delivering the Council's core functions)	Service Delivery	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 landslip and their conclusions are set out in a memo dated 17 March 2016 (the **WSP Memo**). The WSP Memo identified the trigger of the landslip being water run off the adjoining land and down the Order Land onto the road. The investigation recommended drainage works on the Order Land to intercept the water and remove it as a possible cause for future land slips.
- 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

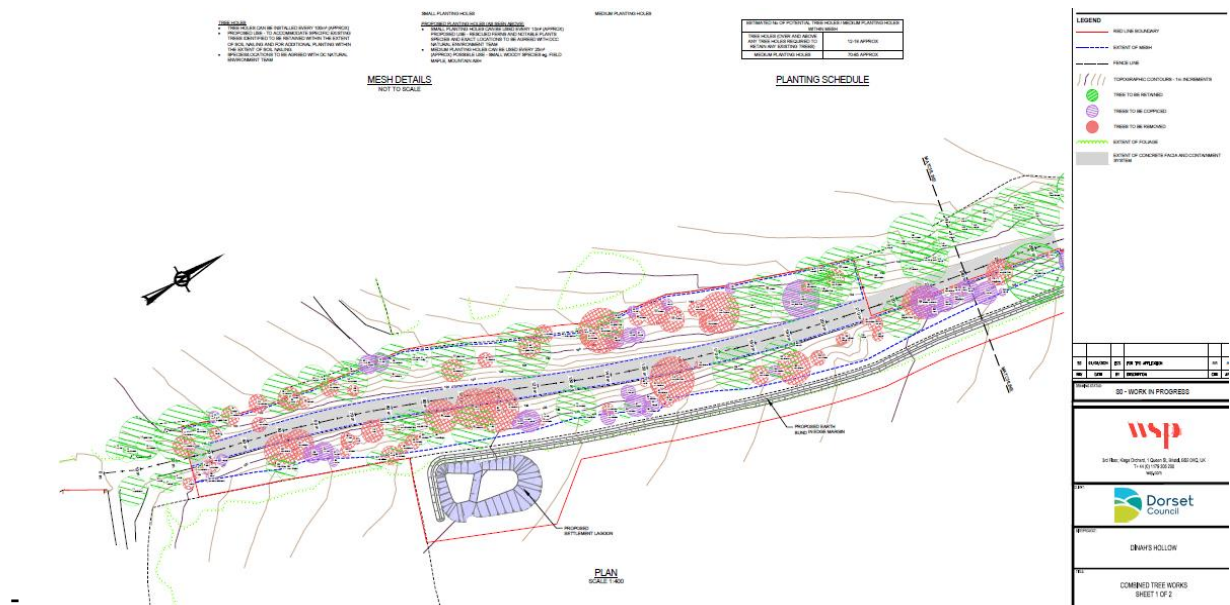


4 Description of the Scheme

- 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;

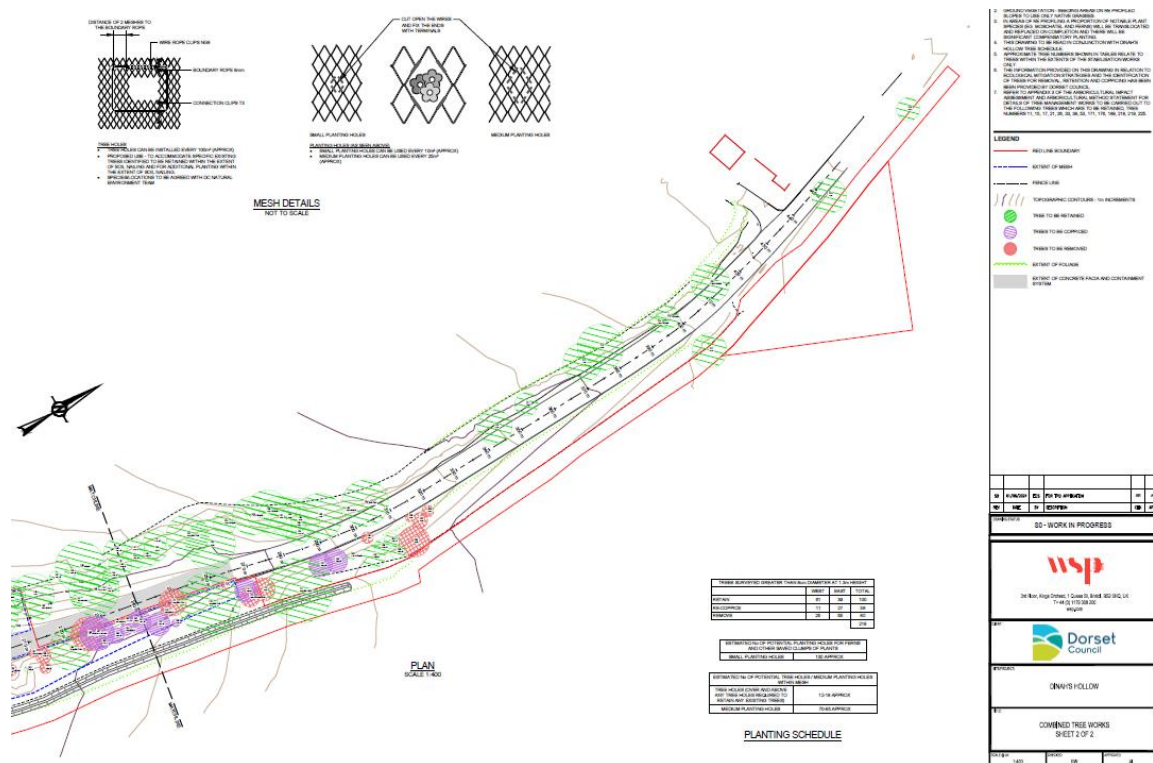
- 4.1.2 a high tensile flexible facing system comprising steel wire mesh with associated nail plates, steel wire anchor ropes and fixings as required;
- 4.1.3 high containment kerb and a hard slope facia system with a combined typical height of 1.5m, running along the toe of the slopes;
- 4.1.4 openings 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



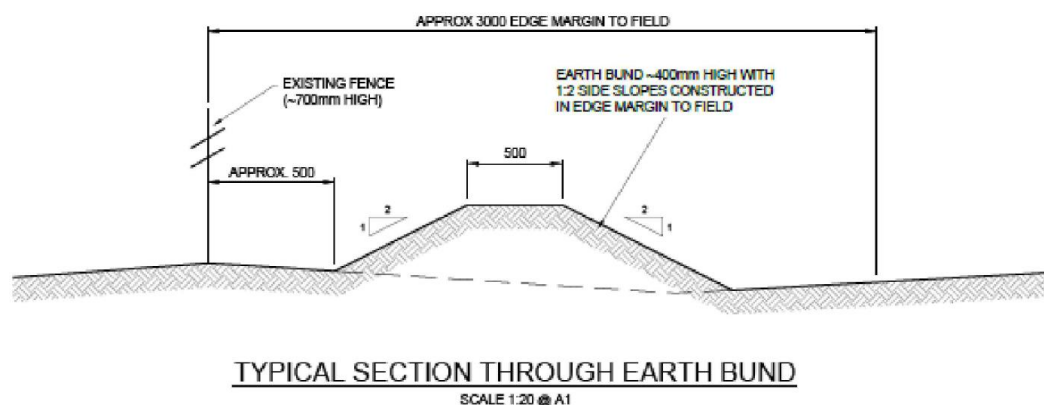
- 4.2 Figures 13 above and 14 below show the extent of soil nails and flexible facing system-tensile mesh, location of trees affected by the engineering works, mesh detail for replanting, planting schedule and drainage on the East Site comprising of an earth bund and lagoon.

Figure 14 – Combined Tree Works Sheet 2



- 4.3 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 (see Figures 13 and 14 above for further details). 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.

Figure 15 – Typical section through earth bund



- 4.4 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. Figure 15 above shows a typical cross section through the earth bund designed to blend with surrounding environment. Material excavated from

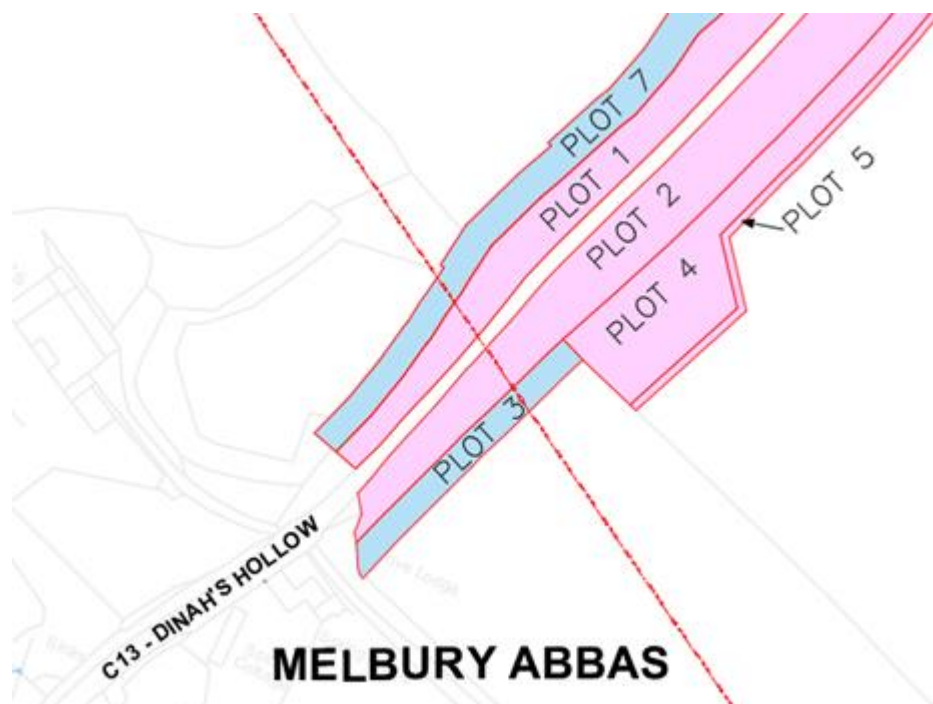
creation of the lagoon is to be used in formation of the earth bund to retain local soil and minimise impact on the environment.

- 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 landslide 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

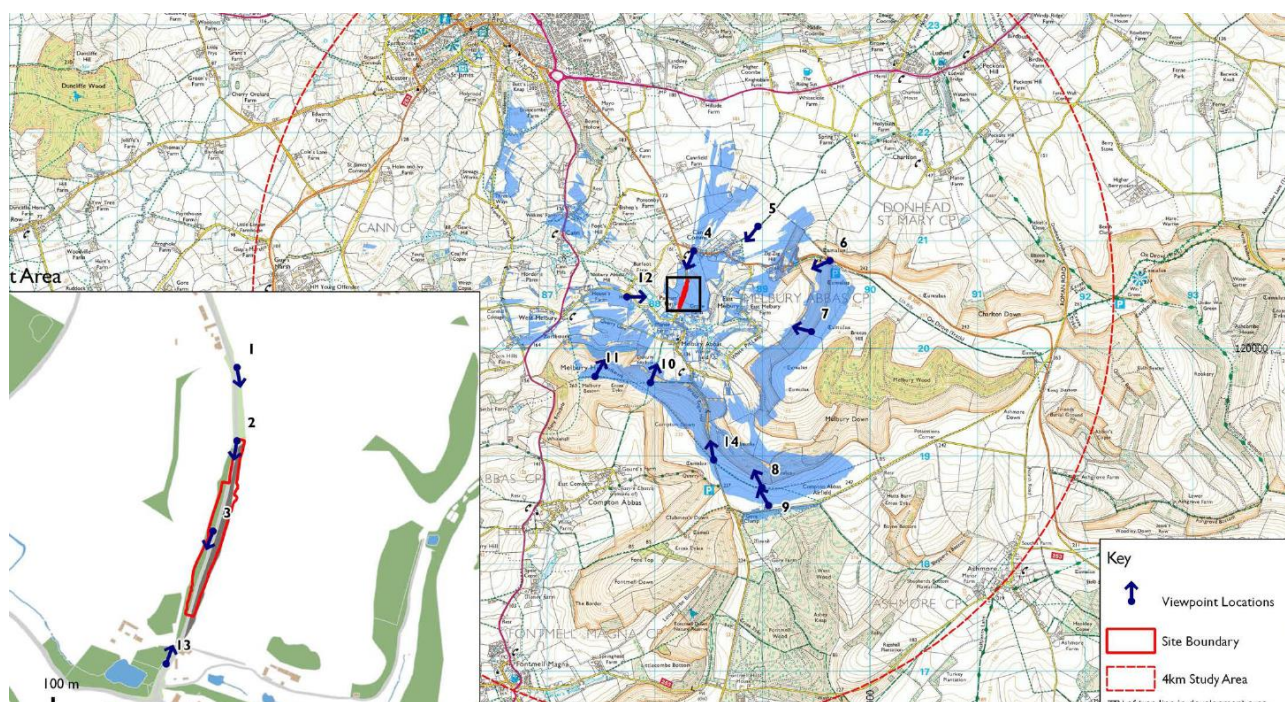
	Hollow are not conducive to successful stabilisation.
Surface Water Management	Methods are considered inappropriate at Dinah's Hollow.

- 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.

Viewpoint	Effect
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 (**CRoW Act**) 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 could not 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 subsequently has proactively engaged with the agent to respond to various queries pertaining to compensation matters, extent of land take and soil nailing etc.
- 9.5.13 The East Site landowner's agent submitted their compensation claim to JLL on 3 February 2025.
- 9.5.14 JLL and Council representatives attended a meeting on site with the East Site landowner and their agent on 10 April 2025 and an offer was issued to the East Site landowner on the same date.
- 9.5.15 Following further discussions, JLL issued revised heads of terms on 2 May 2025 to the landowner's agent. The Council consider that these heads of terms address all points raised by the East Site landowner. The Council remains committed to acquiring the land from the East Site landowner by agreement. The heads of terms have been substantively agreed and the Council is optimistic that this objection will be resolved in advance of the inquiry.
- 9.5.16 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 (which are sought in parallel with the ongoing negotiations).

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 3rd 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.
- 9.6.8 Following the site meeting the Council and JLL have engaged with the West Site landowner's agent and has provided further detail relating to the Scheme such as plans showing drainage and soil nailing.
- 9.6.9 The West Site landowner submitted a compensation claim to JLL on 20 March 2025. JLL and Council representatives attended a meeting on 24 March 2025 to discuss accommodation works and compensation matters.
- 9.6.10 Following extensive negotiations, JLL issued revised heads of terms on 7 May 2025 to the landowner's agent. The Council consider that these heads of terms have addressed all points raised by the West Site landowner. The Council remains committed to acquiring the land from the West Site landowner by agreement. The Council considers that the points included within the heads of terms have been substantively agreed by the West Site landowner and is optimistic that this objection will be resolved in advance of the inquiry.

- 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 made 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 Grounds of Objection and Responses

10.1 The following objections were made to the CPO:

- 10.1.1 Roy Phillips and Lavina Phillips dated 10th January 2025 (statutory objector);
- 10.1.2 Maurice Flower & Son Ltd received by the DfT on 9th January 2025 (statutory objector); and
- 10.1.3 Brian Hughes dated 8th January 2025 (non-statutory objector).

10.2 The grounds of objection are summarised in Appendix 4, together in each case with the Council summary response. The Council will address further these responses, as appropriate, in evidence given at the Inquiry and will refer to or put in evidence the documents listed in Appendix 1. The Council reserves the right to add to that list, as necessary, including in response to any evidence submitted or information provided by objectors.

10.3 The Council does not consider that the grounds of objection materially affect or undermine the compelling case in the public interest for confirmation of the CPO.

11 Justification for CPO

- 11.1 As set out at paragraph 1.1.11, 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.
- 11.2 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.
- 11.3 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.

- 11.4 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.
- 11.5 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.
- 11.6 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.
- 11.7 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.
- 11.8 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.
- 11.9 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.

12 **Human Rights Act and Public Sector Equality Duty**

12.1 **Human Rights**

- 12.1.1 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.
- 12.1.2 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.
- 12.1.3 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.

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

12.2 Public Sector Equality Duty

- 12.2.1 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.
- 12.2.2 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.
- 12.2.3 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.

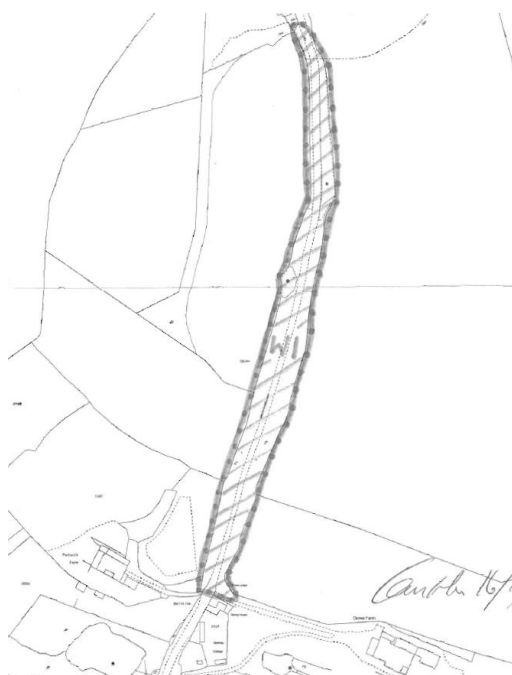
13 The Mining Code

- 13.1 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.
- 13.2 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.
- 13.3 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.
- 13.4 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.

14 Deliverability

- 14.1 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 Case.
- 14.2 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.
- 14.3 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.
- 14.4 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.
- 14.5 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.
- 14.6 **Planning position**
- 14.6.1 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.
- 14.6.2 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



- 14.7 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.
- 14.8 As such there is no planning impediment to the Scheme.
- 14.9 **Scheme timetable**
- 14.9.1 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.
- 14.10 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.
- 15 **Assistance to those affected by the CPO**
- 15.1 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.
- 15.2 The Council has therefore (in accordance with the CPO Guidance) taken the following actions to help those affected:
- 15.2.1 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 Case);

- 15.2.2 agreed to fund owners' reasonable costs of negotiation and other reasonable costs incurred in advance of the process of acquisition;
 - 15.2.3 appointed JLL to whom those with concerns regarding negotiations for the acquisition of the Order Land can be contacted;
 - 15.2.4 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;
 - 15.2.5 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
 - 15.2.6 informed owners and occupiers of guidance which is publicly available and professionally published on compulsory purchase and compensation.
- 15.3 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.
- 15.4 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.
- 15.5 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.
- 16 Additional information**
- 16.1 For any enquiries related to the CPO the first point of contact at Dorset Council is dinahs.hollow@dorsetcouncil.gov.uk.
- 16.2 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.

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

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

16.2.2 Any person who is unable to download these Guides should contact Dorset Council using the details specified at 16.1 above.

17 The CPO, Order Map and Statement of Case

17.1 The CPO, Order Map, this Statement, and the documents listed in Appendix 1 have been made available for public inspection at the following locations:

Shaftesbury Library	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
Blanford Library	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

17.1.1 Electronic copies of CPO, Order Map, this Statement and the documents list in Appendix 1 can also be viewed online at: www.dorsetcouncil.gov.uk/dinahs-hollow-cpo.

18 Supporting documents

18.1 The 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 9 July 2024 (including Cabinet-Update Sheet).
- 12 Report to and delegated decision to make the CPO dated 6 December 2024.
- 13 Brody Forbes report dated December 2013.
- 14 'Well-managed Highway Infrastructure' October 2016 Code of Practice.
- 15 November 2014 Options Report.
- 16 WSP memo dated 17 March 2016.
- 17 WSP Technical Note dated 20 August 2024.
- 18 Landscape and Visual Impact Assessment dated July 2015.
- 19 Landscape and Ecology Report V2 dated August 2024.
- 20 Interim Ecological Assessment dated 23 May 2024
- 21 Environmental Impact Assessment screening opinion dated 29 August 2024.
- 22 Equality Impact Assessment dated 2 August 2024.
- 23 Red Rock Report dated September 2024.
- 24 Tree Decision Notice (Tree Works - TPO) dated 3 October 2024.
- 25 WSP HGV Vibration Impact Assessment dated 11 October 2024.

- 26 Arboricultural Impact Assessment and Arboricultural Method Statement dated 1 August 2024.
- 27 Capital Strategy 2025 -2028

Appendix 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
25/03/2023	Email	JW - JLL	Email confirming intro and confirming history and way forward.
27/03/2023	Email	JW- JLL	Email from JW outlining his concerns and frustration of the serving of notices on his client for surveys.
28/03/2023	Email	JW- JLL	Confirming a willingness to negotiate.
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.
06/04/2023	Email	JW - JLL	Confirmation of requirements for surveys.
06/04/2023	Email	JW - JLL	Email confirming compensation negotiations and requesting plans and survey information
17/04/2023	Email	JW - JLL	Requestion information on the surveys
03/05/2023	Email	JW - JLL	Confirming a meeting would be a good idea.
04/05/2023	Email	JW - JLL	Confirming meeting and location
05/05/2023	Email	JW - JLL	Query about instrusions being included within compensation.
17/05/2023	Meeting on site	JLL - John Woolley & Karen Carr	<p>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</p> <ul style="list-style-type: none"> •JW and KC gave significant background detail of the scheme •We walked the site •They are concerned around the use of the track and compound area, they believe the location would significantly devalue the retained land •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 •JLL confirmed that we would need the updated plans before we enter into full discussions and issues •They mentioned loss of crop due to the potential land take •Explained that they had a deal drawn up with solicitors / for £27,000 although stated DCC never actually went through with the deal •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
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. No confirmation provided for the amount of £27,000.
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
04/08/2023	Email	JW - JLL	Confirmation of receipt of emails
11/08/2023	Email	JW - JLL	Queries on Compund and ecological query
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
27/09/2023	Email	JW - JLL	Request for a call
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 £27,000 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
03/10/2023	Email	JW - JLL	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>
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

	Email		
23/02/2024		JW- JLL	Response re 4 main points. Fees, Access from highway, drainage and planting
28/02/2024	email	JLL - JW	Holding email
28/02/2024	Email	JW-JLL	confirmation the case has been going on a while.
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
24/05/2024	Email	JW-JLL	Confirmation of receipt of email to TR.
28/05/2024	Email	JW - JLL	Email to Tanya requesting ecology detail
07/06/2024	Email	JW-JLL	Further queries on ecology
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.
27/06/2024	email	JW-JLL	Confirming he is meeting with his clients the next day
01/07/2024	Email	JW-JLL	Email with queries
03/07/2024	Email	JW-JLL	Confirmation of receipt of information from TR
27/07/2024	Email	JLL-JW	Email confirming RFIs are being sent out
22/07/2024	Email	JW-JLL	Response to email of 15th May
22/07/2024	Email	JLL-JW	Email to John requesting call following receipt of email
30/07/2024	Email	JLL-JW	Chasing email
04/08/2024	email	JW- JLL	Request for face to face meeting rather than teams.
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
08/09/2024	Email	JW-JLL	Various queries
09/09/2024	Email	JW-JLL	Claim sent
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
05/10/2024	Email	JW- JLL	response to scott schedule

07/10/2024	Email	JL- JW	Chasing Email
15/10/2024	Email	JW - JLL	Confirmation that he does not want a teams call but a face to face instead with dates provided.
15/10/2024	Email	JLL- JW	Email to JW with calendar invite for Thursday 24th.
16/10/2024	Email	JLL- JW	Accepted meeting request for closer location
16/10/2024	Email	JW- JLL	Email confirmation for call
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
11/11/2024	Email	JW- JLL	Various queries
11/11/2024	Email	JW-JLL	Directors time email
12/11/2024	Email	JLL-JW	Email to John to confirm delaying meeting to provide extra time.
12/11/2024	email	JW-JLL	Further queries
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	JW-JLL	Queries on plans for land take and use of soil nails
14/11/2024	Email	JLL-JW	Email to confirm availability
16/11/2024	Email	JLL-JW	Response to email
18/11/2024	Email	JLL-JW	Email confirming position on compensation claim
21/11/2024	Email	JW-JLL	email response
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.
14/01/2025	Email	JLL-JW	Chasing email
20/01/2025	email	JW-JLL	Email response
20/01/2025	Email	JLL-JW	Confirmation of receipt of objections and requested a response to the HoTs
03/02/2025	Email	JW-JLL	Updated claim sent to JLL
10/02/2025	Email	JLL-JW	Acknowledged response to claim and confirmed meeting as next step
23/02/2025	Email	JW-JLL	Email confirming points.
18/02/2025	Email	JW-JLL	Confirmation of a meeting.
20/02/2025	Email	JLL- JW	Request for dates
02/03/2025	Email	JW - JLL	Request for meeting
03/03/2025	Email	JLL- JW	Email requesting dates
06/03/2025	Email	JLL- JW	Chasing email
07/03/2025	email	JW-JLL	Request for agenda items
07/03/2025	Email	JLL- JW	Confirmation of intent of meeting and request for dates
07/03/2025	Email	JLL- JW	Response to queries and request for dates
07/03/2025	email	JW-JLL	Various queries and provides dates

12/03/2025	Email	JW-JLL	additional dates and request for attendees
21/03/2025	Email	JLL- JW	Sent dates
28/03/2025	Email	JW-JLL	Confirmation of 10th April
01/04/2025	Email	JLL- JW	Confirmation the meeting is in person
01/04/2025	Email x2	JW - JLL	Request as to whether the meeting is in person and who is attending
02/04/2025	Email	JW-JLL	Various queries on the the meeting
02/04/2025	Email	JLL- JW	Confirmation of attendees
07/04/2025	Email	JLL- JW	Confirming agenda
08/04/2025	email	JW-JLL	Response to agenda
09/04/2025	Email	JLL- JW	Confirming meeting is still going ahead
10/04/2025	Meeting on site	All	Meeting on site with Claimant and Council representative. Then meeting with agent separately to discuss claim
10/04/2025	Email	JLL- JW	Offer sent
14/04/2025	Email	JLL- JW	Confirmation of planting
14/04/2025	email	JW-JLL	Additional queries to be address at the meeting
15/04/2025	Email	JLL- JW	Further requested detail provided
16/04/2025	Email	JLL- JW	Confirming on leave for 2 weeks
17/04/2025	Email	JW- JLL	Response to Heads of Terms
02/05/2025	Email	JLL- JW	Heads of Terms to JW
06/05/2025	email	JLL- JW	Confirmation that statement of case can be sent by email
07/05/2025	Email	JLL- JW	Request for call
07/05/2025	call	JLL-JW	Call to confirm receipt of HoTs and email for statement of case

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
30/07/2023	Email	JLL - RP	Email confirming access and chasing HoTs
30/07/2024	Email	TB - JLL	Email querying whether the access is an emergency.
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	TB - JLL	Request for costs of EIA, queries on surface water drainage statement and various other queries .
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	TB - JLL	Confirmation that the day is acceptable.
17/09/2024	Email	JLL - RP	Confirmation of date and time
19./09/2024	Email	TB - JLL	Request for list of attendees.
18/09/2024	Email	JLL - RP	Confirmation of location
18/09/2024	Email	JLL - RP	Confirmation of attendees
27/09/2024	Email	TB - JLL	Conffirmation of attending.

27/09/2024	Email	JLL - RP	Confirmation of attendees
09/10/2024	Email	JLL - RP	List of attendees
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.
10/12/2024	Email	TB - JLL	Request as to whether the Council would include savings in costs and time for avoiding CPO in the compensation.
10/12/2024	Email	JLL - RP and KF	confirmation of previous offer and resent hots
14/01/2025	Email	JLL - RP and KF	Chasing email
10/02/2025	Email	JLL - RP and KF	Chasing email
18/02/2025	Email	JLL - RP and KF	Chasing email
18/02/2025	Email	TB - JLL	Email confirming claim will be provided next week. Request for what will be included in the claim. Request for information on drainage and accomodation works.
19/02/2025	Email	JLL - RP and KF	Confirming receipt and providing information to Tim and Roy
06/03/2025	Email	JLL - RP and KF	Chasing email
07/03/2025	Email	TB - JLL	Confirming Tb waiting for instructions
17/03/2025	Email	JLL - RP and KF	Chasing email
20/03/2025	Email	TB - JLL	Email containing claim
21/03/2025	Email	JLL - RP and KF	Request for call
22/03/2025	Email	TB - JLL	Confirmation for call timings
24/03/2025	Teams meeting	JLL and DC - RP and KF	Meeting to discuss accommodation works, extent of rights and compensation matters
24/03/2025	Email	JLL - RP and KF	Email providing copies of plans for drainage, soil nails and drainage
25/03/2025	Email x 2	TB - JLL	Organising calls
07/04/2025	Email	JLL - TB	Email confirming receipt of email
11/04/2025	Email	TB - JLL	Response to issues on drainage
15/04/2025	Email	JLL - TB	Request for call to discuss issues
28/04/2025	Teams meeting	JLL and DC-TB	Discussion of kerb line location as part of accomodation works
06/05/2025	Email	JLL-TB	Email requesting address for delivery of the statement of case
06/05/2025	Email	TB - JLL	Confirmation of use of email
06/05/2025	Email	JLL-TB	Email confirming we are waiting for survey results to confirm offer
07/05/2025	Email	JLL -TB	Heads of Terms sent

Appendix 4 Grounds of Objection and Responses

Each of the three objections is summarised below, together with a summary of the Council's response to the particular grounds of objection raised in each case.

Part 1 – Objection by Mr and Mrs Phillips

(by letter dated 10th January 2025)

Grounds of objection:

1. Time to submit a relevant objection

Mr and Mrs Phillips object to the time period allowed for objections and to the making of the CPO in December where they say the amount of working time was limited.

Response:

A notice in Form 8 was duly served on Mr and Mrs Phillips on 12 December 2024 and in accordance with s.12 (1) (c) of the Acquisition of Land Act 1981 the period for objection must have been a minimum of 21 days from service of the notice. The minimum objection period would require objections to be submitted before 3 January 2025.

In recognition of the Christmas period, 29 days were allowed for Mr and Mrs Phillips to raise an objection which was well in excess of the statutory requirement.

In making the CPO, the Council had regard to the CPO Guidance and in particular the requirement to keep any delay to a minimum by completing the statutory process as quickly as possible. The Council also considered the fact that the affected landowners already had professional advisors advising them and that they had been aware that the CPO was forthcoming.

2. Need for the Scheme

Mr and Mrs Phillips suggest that the Scheme does nothing to reduce the volume of traffic using Dinah's Hollow. They state that if traffic movement was reduced, then the risk to public safety would be sufficiently mitigated by the current temporary barrier measures.

Mr and Mrs Phillips question *'What is the risk to public safety if the Scheme is completed?'*

Response:

The Scheme does not seek to reduce the amount of traffic using the C13 at Dinah's Hollow. The need for the Scheme emanates from the instability of the banks on the Order Land and the Scheme would clearly still be required to address such instability even if the traffic volume was reduced. Even if traffic flow was significantly reduced, it would not eliminate the risk of landslide from the Order Land. The major risk is to a smaller vehicle being engulfed by significant amount of soil slippage which would still be a risk even at reduced traffic volume.

The Scheme has been professionally designed to stabilise the banks on the Order Land. The soil nailing solution has been designed in accordance with Eurocode 7 (European Standards for geotechnical design) and BS8006 (the relevant British Standard which provides guidelines and recommendations for the application of reinforcement techniques to soil), which provide the technical governance and robustness to mitigate against residual risks of slope instability. The risk of failure before and after completion of the Scheme was assessed as part of the 2014 Options Report and is illustrated on the below Figure 19.

Figure 19

Feature	Hazard	Before Control			Risk Control Measure (RCM)	After Control		
		P	I	R		P	I	R
Geotechnical	Local, superficial failure including surface soil and vegetation.	4	3	12	Appropriate stabilisation measures to be designed and constructed to control both any deep seated and superficial failures.	1	3	3
	Deep seated failure of the slopes.	4	5	20		1	5	5
Vegetation	Falling of mature trees on the slope as result of inclement weather (heavy rain and / or wind).	3	4	12	Targeted and appropriate vegetation clearance to be undertaken with the guidance of an arboriculturist.	1	4	4
Heavy Goods Vehicles	Erosion of the slopes as a result of heavy good vehicles encroaching on the toe of the slopes.	4	4	16	Measures to prevent the heavy good vehicles from hitting the sides of the hollow slopes and encroaching on the toe.	1	4	4
Hydrology	High water levels within the hollow slope.	2	4	8	Groundwater encountered significantly below the road level during subsequent monitoring of the exploratory holes. Appropriate drainage measures to be installed on the slope and the installation of highway drainage.	1	4	4
	Surface water flows removing material from slopes.	4	3	9		1	3	3
	Surface water flows along highway carriageway resulting in erosion of the toe.	4	3	12		1	3	3
Historical	Archaeological finds made during works causing delays to programme.	2	4	8	No indication of archaeological features or materials in the site vicinity.	1	4	4

The above Figure 19 shows that various key geotechnical, vegetation, HGV and hydrology risks will be reduced as part of the Scheme. Crucially, the geotechnical risk of a deep seated failure of the slopes was assessed as 20 'before control' (i.e without any stabilisation) which would be reduced to 5 after completion of the Scheme. Any risk score above 16 is considered an 'intolerable' risk (meaning the existing score of '20' is intolerable), however, a score of 5 is considered to be a 'tolerable' risk'.

3. Alternatives to reduce traffic volume through Melbury Abbas given insufficient or no consideration. Removing the need for the C13 to be a 'Main Distributor Route'

Response:

As set out above, traffic volume reduction would not achieve the Scheme's aims and therefore any 'alternative' relating to reducing traffic volume is not considered relevant.

Notwithstanding the above, by way of background, various studies have been undertaken over the years regarding potential highway improvements to the C13. The most recent study instructed by the Council was commissioned in 2015 and the findings were summarised in a report dated 2 December 2015. The study was a high-level economic assessment of North-South strategic roads throughout Dorset which included the C13. The cost of the C13 Melbury Abbas Bypass and associated C13 on-line improvements was estimated to be £54.3M (2015 prices). The report concluded that it remains difficult to build an economic case to demonstrate a link between the provision of the bypass scheme and the delivery of jobs and housing growth. Given this, the Council have not proposed any bids for funding the C13.

The Government's previous Road Investment Strategy 2 (RIS2) identified that there are few north-south connections across the South West of England and provided for a strategic

study to be undertaken into adopting an alternative corridor – the A350 – as the main strategic route for the area; and then beginning a coordinated programme of upgrades to provide a high-quality route linking the M4 to the Dorset Coast including Bournemouth and Poole.

National Highways has recently published the M4 to Dorset Coast: Strategic connectivity study (December 2023) which found that the A350 (which runs parallel to the C13 between Blandford and the B3081) between Warminster and Sturminster Marshall:

- a) has several locations where significant new road building would be required to bring the road up to the right standard to accommodate strategic traffic without significant impacts on communities along the route. This would require road building in Areas of Outstanding Natural Beauty, at significant cost; and
- b) this was not considered to be realistic or deliverable and at this stage these routes were therefore removed from the study scope.

As a result, no funding from central Government has been approved for any highways improvements to the road network in the vicinity of the C13.

It is not correct to say that the proposal of '*closing or restricting Dinah's Hollow*' has not been considered. Indeed, this has already been tried and tested by the Council, the C13 at Dinah's Hollow was previously closed in April 2014 following advice from engineering consultants Brody Forbes and Parsons Brinkerhoff. The closure presented significant problems for local residents and the travelling public, both within the village itself and also the surrounding highway network. Therefore, as set out at 3.2.5 and 3.2.6 of the Statement of Case, this cannot on any reasonable analysis be a reasonable 'alternative' to the Scheme.

4. Damage to historic and environmentally important asset

Mr and Mrs Phillips questioned whether the Council has given sufficient weight to the Ecological Report. They note that vegetation provides important habitat for flora and fauna which will be irreparably damaged.

Response:

The Council has carefully considered the Ecological Report as set out at paragraph 7 of the Statement of Case.

The Landscape and Ecology Report notes that at present the density of trees and shrubs means the ground flora is patchy and there are areas of bare un-vegetated ground that are vulnerable to slippage. As part of the mitigation measures noted in the report, there will be a planned retention of key trees and areas of existing ground flora.

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

The Scheme also includes various habitat enhancement measures such as log and brushwood piles, bird and bat boxes, dormice boxes and standing and falling deadwood timber.

Furthermore, the Council will endeavour to deliver 10% voluntary Biodiversity Net Gain (BNG) as set out at 7.13 of the Statement of Case.

5. Loss of Trees

Mr and Mrs Phillips suggest the application to remove the protection granted by the Tree Preservation Order is perverse given the need to protect trees.

Response:

The Tree Preservation Order remains in force and has not been removed, nor are there any plans to remove it. As set out at 14.7 of the Statement of Case, the LPA granted consent to carry out works to trees subject to a tree preservation order.

The Council has committed (as set out at 4.3 of the Statement of Case), that 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.

The Scheme also includes various mitigation measures to reduce the impact on the environment (see section 7 of the Statement of Case).

6. Effect on the National Landscape

Mr and Mrs Phillips argue that the Council suggests that its legal obligations under the Highways Act 1980 override the duties in the CRoW Act.

Section 102 of the Highways Act 1980 states that the Council "may" provide and maintain such works as are necessary for the purpose of affording the highway protection against landslide. Mr and Mrs Phillips note the words "may provide" do not appear to state an absolute requirement.

Response:

The statement is incorrect. The Council has not stated (and do not consider) that the 1980 Act overrides the duties in the CRoW Act.

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 fact that section 102 1980 Act uses the term "*may*" is not considered relevant. On any reasonable analysis the exercise by the Council of its powers under the HA 1980 in the interests of public safety and to prevent a landslide is justified and in exercising those powers it has sought to conserve and enhance the natural beauty of the National Landscape as far as possible.

7. Other matters

Mr and Mrs Phillips suggest the description of Dinah's Hollow as "man-made" does not correctly describe the area. Human intervention has formed the route as it is today by the planning of banks.

Response:

The objection is contradictory on this point as it appears that the Phillips do not consider it is "man-made" but at the same time acknowledge that the human intervention has formed the route. In any event, the historical formation of Dinah's Hollow is not considered relevant to the Scheme which is proposed to address the risk of landslip from the Order Land.

8. Impact on Parhams Farm

Mr and Mrs Phillips consider that the Scheme will have the following adverse impacts on their property (Parhams Farm):

- a. Reduction in the amenity of the eastern boundary opening up that part of the property.
- b. Impacts on the vineyard during construction and after construction. During construction there is a significant risk of contamination of the grape crop. After construction the loss of the vegetation from the banks of the hollow is likely to increase general dust and other road-borne contaminants affecting the grape crop.
- c. The removal of trees from the Hollow are likely to affect the microclimate in the vineyard. The removal of tree cover is likely to lower the autumn temperatures that are needed to raise the sugar levels and ripen the crop.
- d. The removal of trees will increase the risk of further windblow of trees remaining.
- e. The current tree cover provides shielding and a filter for the vineyard from dust and chemical spray drift from adjoining agricultural operations.
- f. The scheme does not alter the traffic control at the entrance to the property which is a significant detriment to the property's amenity.
- g. The Scheme is likely to perpetuate the over use of the C13 further reducing the residential amenity via traffic noise, dust and accident risk when entering the property either by vehicle or on foot.

Response:

As set out at paragraph 9 of the Statement of Case, the Council has been carrying out negotiations with the landowners of Parhams Farm and has made various changes to the Scheme to mitigate the impact on their property. Furthermore, as set out in more detail at paragraph 7 of the Statement of Case, the Scheme has been designed to minimise the number of trees which require removal and includes comprehensive ecological mitigation measures.

The Council has been in dialogue with the objector as part of the negotiations, and none of the above points have been formally raised as a key concern by the landowner and therefore these do not appear to be substantive concerns of the landowner. However, we comment against each of the points below (using their numbering)

- a. Whilst there will be a visual impact immediately following completion of the Scheme, please refer to Table 3 of the Statement of Case, which illustrates the effect on visual receptors. In particular, viewpoint 13 (C13 to the south of Dinah's Hollow), shows that although there will initially be a Moderate- Substantial Adverse level of effect, this will reduce to Slight Adverse in the longer term as all vegetation regenerates and grows.
- b. Throughout the construction period, the contractor will implement measures to mitigate dust as far as possible so as to minimise the impact on the vineyard. After construction, it is not envisaged that there will be any increase in general dust and other road-borne contaminants.
- c. The trees to be felled as part of the Scheme will have an impact on the atmosphere and increase sunlight onto the banks, altering the biodiversity and affect shade and humid requiring plants, such as ferns. However, trees create cooler atmospheres because of transpiration; therefore, removing trees can lead to higher temperatures and reduced humidity (not cooler temperatures), which might benefit the grapes.

- d. The risk of wind throw will increase as a result of the Scheme due to increased wind speeds because of opening the canopy up and may affect microclimate stability.
- e. The Council has no control over the adjoining agricultural operations.
- f. The Scheme does not alter the traffic control entry to Mr and Mrs Phillips' property, the purpose of the Scheme is to address the risk of landslip from the Order Land. The traffic signals referred to have been designed in accordance with Design Manual for Roads and Bridges (DMRB). The Council have previously engaged with the landowner regarding the traffic signals following concerns raised by the landowner, that traffic will not abide with 'KEEP CLEAR' road markings and will block their entrance/exit. The Council's Traffic Signal Senior Designer has taken 'Departure from standards' and has extended the distance between the stop line on the southern end to the first signal head from 10m to 17m. This allows the entrance/exit to the property to be kept clear from stationary and live traffic. There are no reported traffic/pedestrians' accidents in the vicinity of the property entrance since the installation of the traffic control shuttle working system. However, as an advisory, the landowner, could reduce their hedge in order to provide forward visibility.
- g. No increase in traffic on the C13 is expected as a result of the Scheme.

9. Insufficient detail regarding funds to complete the Scheme

Mr and Mrs Phillips say that the Council has provided insufficient detail regarding the funding of the Scheme.

Response:

As set out at 14.3 of the Statement of Case, the Cabinet approved full funding (£8,000,000) for the Scheme on 9 July 2024. On 11 February 2025, the Full Council approved the Capital Strategy 2025 -2028. The Capital Strategy includes a total of £4,299,000 allocated to the Dinah's Hollow project and the balance will be funded as part of the £29,905,0000 allocated to Highways Corporate Funding (Executive Advisory Panel).

10. Maintain the Current Approach to Dinah's Hollow

Mr and Mrs Phillips suggest that the current regime of weekly visual inspections, the single one way traffic signals and the concrete blocks may be sufficient to mitigate the public risk at Dinah's Hollow.

Response:

The current measures are only temporary and have not been designed to provide a long-term solution to mitigating the risk of landslide from the Order Land. Therefore, the Scheme is required to address the risk at Dinah's Hollow.

11. Surface Rights for Plot 7

Mr and Mrs Phillips question whether rights are required over the surface of Plot 7.

Response:

No rights are required over the surface of Plot 7 and all rights will only be exercised below the surface.

12. Comments to the Cabinet Meeting on 9 July 2024 not considered

Mr and Mrs Phillips suggest the Council was wrong to exclude its letter dated 4 July 2024 (which is appended to their letter of objection) from the papers presented at the Cabinet Meeting on 9 July 2024.

Response:

The Council welcomes public attendance and involvement at Full Council and all of its formal committees. The Council's Public Participation at Dorset Council and Committee Meetings (**Public Participation Guidance**) states that:

- a. agendas are normally published at least one week in advance of the meeting; and
- b. any request to speak at a meeting or submit a statement must be received by the Council at least three working days before the meeting.

The Council duly published notice of the Cabinet Meeting of 9 July 2024 on 10 June 2024. The agenda for the meeting stated that all submissions must have been '*emailed in full to Kate.Critchel@dorsetcouncil.gov.uk by 8.30am on Thursday 4 July 2024*'. The letter referred to was submitted by Mr and Mrs Phillips' representative by email at 17:40 on 4 July 2024 which was past the deadline. The Council did not consider it appropriate to accept this late submission as there was insufficient time (2 full working days) to address the points raised and brief members in advance of the scheduled Cabinet meeting.

13. Insufficient negotiations

Mr and Mrs Phillips suggest the Council has failed to engage in sufficient negotiations. They consider that any agreement outside of the CPO process must be above the compensation code.

Response:

The Council very much considers the use of CPO powers as a matter of last resort and has carried out negotiations as more particularly set out at paragraph 9, Appendix 2 and Appendix 3 of the Statement of Case in accordance with the CPO Guidance.

Whilst the Council remains committed to continuing negotiations with Mr and Mrs Phillips, their objection is very clear that (emphasis added) '*any agreement outside of the CPO process should be at a level above that which might be expected via Statutory Compensation.*' As a local authority, the Council is required to use public money properly and is required to duly compensate in accordance with the compensation code. Therefore, the Council is only able to reach agreement at levels that might be expected via Statutory Compensation. In any event, this point of the objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed following confirmation of the CPO.

Part 2 – Objection on behalf of Messrs Maurice Flower & Son Ltd

(by letter received by the DfT on 9 January 2025)

Grounds of objection:

- 1. The proposals destroy an area of 'Ancient Woodland' which, once, taken, cannot be replaced.**

Response:

The Order Land is not designated as 'Ancient Woodland' within Natural England's records or the Woodland Trust's inventory.

Whilst Dinah's Hollow has been in existence for several hundred years, none of the trees present today are any great age or significance.

The Scheme provides for the removal of the minimum number of trees necessary and full details of the ecology impact and extensive mitigation are set out at paragraph 7 of the Statement of Case.

- 2. The existing concrete panels and traffic light control system are sufficient to protect road users**

Response:

The existing concrete barriers are temporary measures. These are not considered a permanent solution to stabilise the Order Land and they are not considered sufficient to protect road users from landslip on the Order Land as illustrated by the landslide in 2016 which displaced the barriers (see photographs at 3.2.13 of the Statement of Case).

- 3. Consent of the Relevant Authorities has not been obtained. The CPO process is premature**

Response:

Paragraph 7 of the Statement of Case sets out the various consents required and that the Council does not consider that there are any impediments to the Scheme.

- 4. With reference to the Council's Statement of Reasons:**

a) the narrow strip comprised in the north section of Plot 4 is not necessary and would sever the ownership of land belonging to Maurice Flower & Son

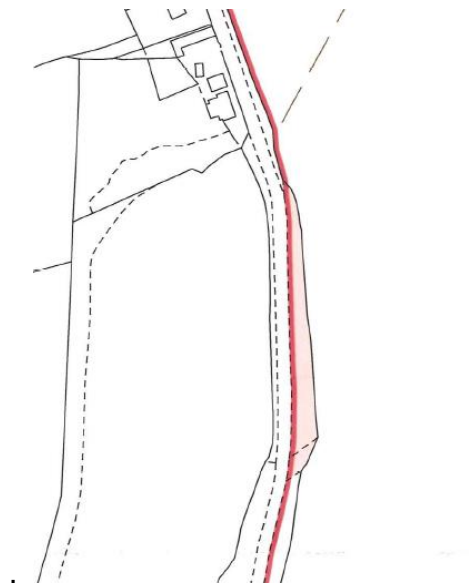
Response:

The 'narrow strip' abuts the public highway along the western boundary and does not sever the ownership of land belonging to Maurice Flower & Son (not considering any severance of any subsoil which may be owned Maurice Flower & Son).

The western boundary of the 'narrow strip' abuts the land shaded pink on Figure 20 below. The figure shows the registered title boundary of the land owned by Maurice Flower & Son edged red. Whilst the land shaded pink is included within the title

boundary, it has been dedicated as public highway. As a result, Maurice Flower & Son only has an interest in the subsoil to the land shaded pink. Furthermore, pursuant to the provisions of an agreement dated 9 May 1978, Maurice Flower & Son is required to convey the land shaded pink to the Council if and when called upon by the Council for a consideration of five pence. The Council is agreeable to taking a conveyance of the land shaded pink on these terms in order to tidy up the title boundaries.

Figure 20



There is no existing access from the public highway via the 'narrow strip'. Acquisition of the 'narrow strip' is necessary for the creation of an access track as shown on Figure 6.

In accordance with the DfT Guidance Note, the Council considers that the creation of the access track would *'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'*. Therefore, the Council considers that it is necessary to acquire the freehold interest in Plot 4.

b) Plot 5 can be accommodated by a short term rental agreement and does not need to be compulsory acquired to be sold back to the landowner following construction

Response:

The Council agree a lease for the construction period would be sufficient. This has been proposed as part of the heads of terms offered by the Council to the landowner. However, as of the date of this Statement of Case, no lease has been agreed with the landowner and therefore the Council maintains the position that the use of compulsory acquisition powers are justified to assemble the necessary interests in land required for the Scheme.

c) Plot 6 is only required for a temporary basis and can be accommodated by a short-term agreement

Response:

The Council agree a lease for the construction period would be sufficient. This has been proposed as part of the heads of terms offered by the Council to the landowner. However, as of the date of this Statement of Case, no lease has been agreed with the landowner and therefore the Council maintains the position that the use of compulsory acquisition powers are justified to assemble the necessary interests in land required for the Scheme.

5. There are concerns that the design to regrade the banks and use soil nails may not have been proven and the costs are not justified.

Response:

The Scheme has been designed and recommended by fully qualified engineers and in accordance with relevant industry standards (see paragraph 2 of part 1 of this Appendix 4 for further details). The Council's Cabinet has considered and approved the budget for the Scheme as set out in paragraph 14.3 of the Statement of Case.

6. Concern that the Council's motive for the Scheme may be to increase the use of the C13. Concern that HGVs may add to instability at Dinah's Hollow.

Response:

The aim of the Scheme is to stabilise the Order Land and the Council does not envisage that the Scheme will result in any change to the traffic flow on the C13.

Please see paragraph 1 of part 3 of this Appendix 4 for further details of the HGV design features of the Scheme and paragraph 8 of part 3 of this Appendix 4 for commentary on HGV vibration issues.

7. Objection to various parts of the Statement of Reasons

Response:

Details of the alternative versions of events have not been provided and therefore the Council is not able to respond to this point of the objection.

Part 3 – Objection by Brian Hughes (non-statutory objection)

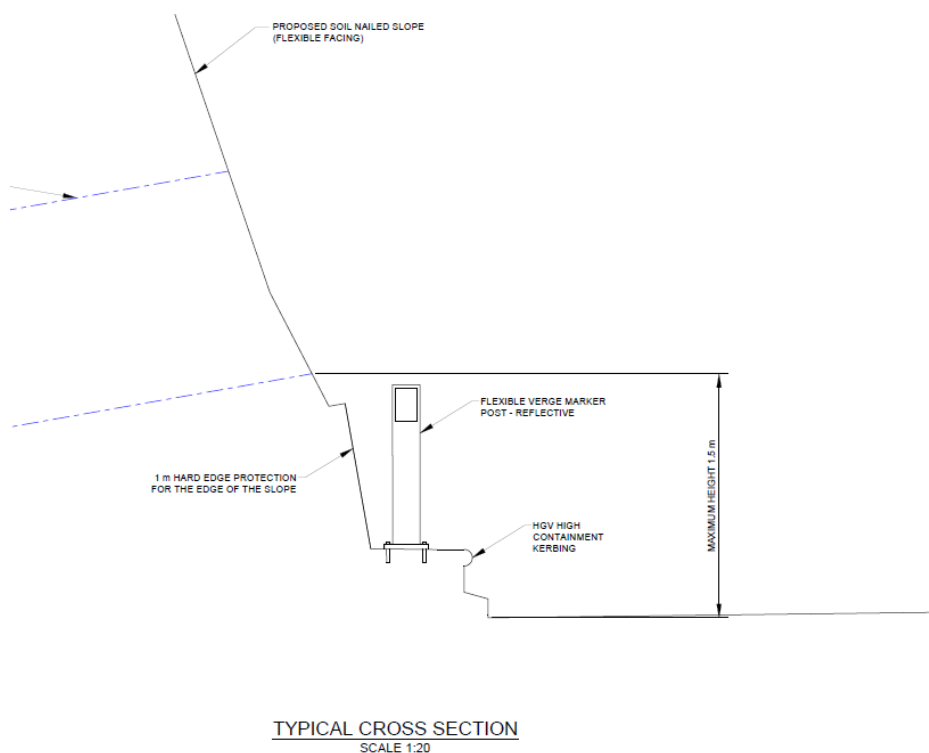
Grounds of objection:

1. **Existing difficulties of the C13 and issues with HGVs using the C13 at Dinah's Hollow. The Scheme will solve none of these problems.**

Response:

The Scheme does not seek to address these points. The purpose of the Scheme is to prevent landslip from the Order Land. However, as stated at 4.1.3, the Scheme design includes a high containment kerb and a hard slope facia system with a combined typical height of 1.5m, which will run along the toe of the slopes, which has been designed to prevent HGVs from damaging the slopes. A typical cross section is shown at Figure 21 below which illustrates the proposed HGV high containment kerbing and hard edged protection (hard slope facia system).

Figure 21



2. **The banks have been stable for centuries benefitting from the mature trees and vegetation the root balls of which bound the soil together with local 'greenstone' forming a part.**

Response:

The slopes on the Order Land are in a state of '*unreliable temporary stability*' which means that there is a risk of landslip from the Order Land as set out in more detail at 5.5 of the Statement of Case. Whilst it is acknowledged that small and large vegetation on the Order Land draws moisture from the ground and binds it enhancing its stability, the Stability Report notes that it is not possible to quantify this analytically and the condition where vegetation dies must be considered.

It is assumed that the reference to 'greenstone' was intended to be to 'greensand', 'greensand' being the soils at Dinah's Hollow which is typical of the chalk landscape. The Options Report concluded that the granular nature of the greensand and any apparent cohesion of the slopes cannot be relied on a long-term basis.

3. **The coloured drawing in the submission showing green banks with a brown surface on the slopes is very misleading given the impression of a slip waiting to happen. The drawing does not show the shrubs, bushes and regeneration in the form of young trees, saplings and seedlings taking their place to stabilise the banks both now and for the future. All this will be ripped out together with 80 mature healthy trees disturbing an abundance of wildlife some of which is endangered. Rare flora and fauna will also disappear.**

Response:

The Council assume that this is a reference to the Figure 2 of the Statement of Case. This is not considered to be misleading, the purpose of the drawing is as an illustration which shows a cross section through Dinah's Hollow and shows the volume of ground with the potential to slip. However, the vegetation which is not shown, would actually increase the potential volume of material with the ability to slip.

The statement that '*80 mature healthy trees*' will be '*ripped out*' is plainly inaccurate. As set out at 4.3 of the Statement of Case, 35 of the trees to be removed are in poor condition and would require removal due to their condition in any event. There is evidence that within the past 10 years a large number of mature trees have been felled on both the east and west sides.

The Arboricultural Impact Assessment and Arboricultural Method Statement dated 1 August 2024 contains the results of a detailed tree condition survey and categorisation of the trees in accordance with the requirements of BS5837:2012. The 80 trees to be removed have been categorised as follows:

Category A (high quality trees with an estimated remaining life expectancy of at least 40 years) = **0**

Category B (Trees of moderate quality with an estimated remaining life expectancy of at least 20 years) = **2**

Category C (Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm) = **43**

Category U (Trees 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) = **35**

Please see the Council's response at paragraph 4 of part 1 of this Appendix 4 regarding flora and fauna.

4. **The Council did not consult with the Wiltshire Downs National Landscape or the Parish Council before making their decision and submissions put forward were ignored.**

Response:

The Council was not required to consult with such bodies as a pre-requisite to the making of the CPO. However, the Melbury Abbas and Cann Parish Councils were

consulted as part of the Council's application for works to trees subject to a tree preservation order referred at 14.7 above.

It is very clear that the Melbury Abbas Parish Council were fully aware of the Council's proposals at Dinah's Hollow as they conducted their own independent report into the stability of the slopes at Dinah's Hollow (see 5.5.7 of the Statement of Case). The Parish Council have accepted that 'doing nothing is not an option'.

5. Timeline of events in Dinah's Hollow (as set out in the letter of objection)

Response:

Instability at Dinah's Hollow is plainly not a new phenomenon, newspaper reports indicate a *'large landslide near the bottom of the hill'* at Dinah's Hollow and great damage resulting from *'heavy storms and sudden thaw'* in 1900.

The Council strongly disagree with any suggestion that the root cause of any previous slips were caused by the actions of the Council. The 2014 Options Report identifies the following causes of slope instability within the hollow:

- (a) overground surface water flow eroding and weakening near surface slope material;
- (b) over steepened slopes from historical human erosional processes; and
- (c) erosion of the soft verge/slope toe by vehicle movements.

Therefore, the 2014 Options Report does not note any cutting of trees as a root cause of the instability.

Further, as set out at 3.2.15 of the Statement of Case, the WSP Memo (produced following the 2016 landslide) identified the trigger of the landslide being water run off the adjoining land and down the Order Land onto the road.

6. 2016 landslides – temporary barriers would not have been displaced to the extent shown if they had been correctly assembled

Response:

With regards to the concern relating to the 2016 slips and the claim that in relation to the temporary concrete barriers that *'bolts were missing and others had no nuts'*, the WSP Note states that the *'concrete barriers mostly contained the slipped material, but they are not designed as a stabilisation measure and moved laterally a distance of up to about 2.5m'*. Whether or not the bolts were in the temporary concrete barriers is considered irrelevant, due to the volume of material which slipped, the barriers would have been displaced in any event. As stated above, the concrete barriers are a temporary measure, and they do not (and are not designed to) stabilise the slopes. Hence, the Council wishes to undertake the Scheme to prevent slips from the Order Land (not simply to try and contain any slipped material).

7. In spite of the numerous violent storms that have taken place in recent times and the significant damage caused throughout the Country including Dorset no complete collapse has occurred. This is clear from the only photographs shown in support of the application, the main one being 8 years ago! In that 8 years new growth has helped to stabilise the banks.

Response:

The Statement of Case shows photographs of slips occurring at Dinah's Hollow in March 2016, October 2021 and October 2023 (see 3.2.13 to 3.2.17 above). Whilst, the Council does not have any records of a 'complete collapse', as stated at 3.2.3 of the Statement of Case, the 2013 Stability Report identified that regardless of however long the equilibrium has lasted in the past, changes could result in a major collapse. The need for the Scheme has also been supported recently by the independent Red Rock Report and the 2024 Technical Note.

8. HGVs causing damage

Mr Hughes alleges that HGV passage had caused problems and references misleading remarks made relating to vibration caused by HGVs.

Response:

HGVs have not been identified as a root cause of instability at Dinah's Hollow, however, the Council has commissioned WSP to undertake an assessment to determine the impact of Heavy Goods Vehicles (HGVs) on the stability of the slopes at Dinah's Hollow and the findings were published in the HGV Vibration Impact Assessment Technical Note dated October 2024 (**HGV Technical Note**). The HGV Technical Note states:

- (a) Landslides and slope failures can have several causes such as: geological, morphological, physical and human. However, to initiate a failure there will be a trigger.
- (b) The majority of landslides and slope failures in the UK are as a result of changes in the groundwater or surface water regimes, with a strong correlation between rainfall events and slope failures.
- (c) A smaller proportion of slope failures can be attributed to other causes such as vibration.

The HGV Technical Note concludes that:

- a soil nailing solution (i.e the Scheme) provides suitable robustness against the risk of vibrations due to vehicle trafficking; and
- that the effects of HGV traffic and its associated vibrations shall not adversely impact the stability of the slopes following completion of the Scheme.

9. Project life span

Mr Hughes suggests that he was initially informed that the soil nailing solution had a life span of 120 years but then was later informed in November 2024 that the life span was 60 years.

Response:

The Scheme design life is 60 years, which is in accordance with all applicable standards and guidance, however, the Council is currently engaging with its engineers, WSP, to explore extending the life span of the Scheme to 120 years,

10. Objection to use of glyphosate as part of the Scheme

Mr Hughes states that the banks will be sprayed with glyphosate and objects to its use as part of the Scheme.

Response:

The Full Council declared a Nature Emergency on 18 July 2024, recognising:

- (a) That nature is in long term decline and urgent action must be taken to reverse this, that the UK is one of the world's most nature-depleted countries - in the bottom 10% globally and the worst in the G7 - and with only about half its biodiversity left that it is far below the global average.
- (b) That a thriving natural environment underpins a healthy, prosperous society, that it benefits our physical and mental health, feeds us, cleans our air, moderates urban heat, alleviates flooding, absorbs carbon, makes counties like Dorset beautiful and that its survival and diversity is essential to human life.
- (c) That the nature crisis and the climate emergency are intrinsically linked and that the impacts of the climate crisis drive nature's decline, while restoring nature can help to tackle the climate crisis.

As part of the declaration, the Council has committed to *'remove or restrict the use of glyphosate and other chemicals damaging to ecosystems/nature and commit to a glyphosate reduction plan.'*

It is incorrect to say that the Council will *'spray the banks with Glyphosate'* as part of the Scheme. The Council has carefully considered the use of glyphosate as part of the Scheme and the proposal is to restrict its use to only locally along the line of the proposed permanent service access track (as shown on Figure 6 of the Statement of Case). However, in accordance with the Nature Emergency declaration, the Council is currently exploring alternatives to the use of glyphosate as part of the Scheme and should a suitable alternative be found, glyphosate will not be used.