

Agenda

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Dorset County Council



Meeting: Regulatory Committee

Time: 10.00 am

Date: 28 February 2019

Venue: Committee Room 1 - County Hall, County Hall, Colliton Park, Dorchester,
DT1 1XJ

David Jones (Chairman)

Margaret Phipps (Vice-
Chairman)

Jon Andrews

Shane Bartlett

Ray Bryan

Keith Day

Jean Dunseith

Katharine Garcia

Jon Orrell

David Shortell

Notes:

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- We can provide this agenda and the reports as audio tape, CD, large print, Braille, or alternative languages on request.

- **Public Participation**

Guidance on public participation at County Council meetings is available on request or at <http://www.dorsetforyou.com/374629>.

Public Speaking

Members of the public can ask questions and make statements at the meeting. The closing date for us to receive questions is 10.00am on 25 February 2019, and statements by midday the day before the meeting.

Mike Harries
Chief Executive

Contact: David Northover
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Date of Publication:
Wednesday 20 February 2019

1. Apologies for Absence

To receive any apologies for absence.

2. Code of Conduct

Councillors are required to comply with the requirements of the Localism Act

2011 regarding disclosable pecuniary interests.

- Check if there is an item of business on this agenda in which the member or other relevant person has a disclosable pecuniary interest.
- Check that the interest has been notified to the Monitoring Officer (in writing) and entered in the Register (if not this must be done on the form available from the clerk within 28 days).
- Disclose the interest at the meeting (in accordance with the County Council's Code of Conduct) and in the absence of a dispensation to speak and/or vote, withdraw from any consideration of the item.

The Register of Interests is available on Dorsetforyou.com and the list of disclosable pecuniary interests is set out on the reverse of the form.

3. Minutes

3 - 16

To confirm and sign the minutes of the meeting held on 24 January 2019.

4. Public Participation

(a) Public Speaking

(b) Petitions

5. Application to divert part of Footpath 9, at Dudsbury Fort, West Parley

17 - 48

To consider a report by the Service Director, Environment, Infrastructure and Economy.

6. Application for a public path order to divert part of Footpath 34, Corfe Castle

49 - 58

To consider a report by the Service Director, Environment, Infrastructure & Economy.

7. Planning application 6/2018/0567 - for the installation of a new Energy Plant and the decommissioning of old at Wytch Farm Gathering Station, Wytch Farm, Isle of Purbeck.

59 - 92

To consider a report by the Planning and Regulation Manager/ Head of Planning on planning application 6/2018/0567 - for the installation of a new Power Generation Plant, incorporating 2 no. 12MW gas engines within an engine hall; selective catalytic reduction units; waste heat recovery units incorporated within 2 no. 15.2 M exhaust stacks and associated works, together with the decommissioning of 2 no. existing gas turbines and waste heat recovery unit at Wytch Farm Gathering Station, Wytch Farm, Isle of Purbeck.

8. Questions from County Councillors

To answer any questions received in writing by the Chief Executive by not later than 10.00am on 25 February 2019.



Regulatory Committee

Minutes of the meeting held at County Hall, Colliton Park,
Dorchester, DT1 1XJ on Thursday, 24 January 2019

Present:

David Jones (Chairman)

Margaret Phipps, Jon Andrews, Shane Bartlett, Ray Bryan, Keith Day, Jean Dunseith, Jon Orrell
and David Shortell.

Officer Attending: Mike Garrity (County Planning, Minerals and Waste Team Leader), David Northover (Senior Democratic Services Officer), Phil Crowther (Senior Solicitor) and Andrew Brown (Project Engineer (Democratic) Dorset Highways), Andrew Helmore (Principal Planning Officer), Charlotte Rushmere (Principal Planning Officer) and Jessica Cutler (Senior Traffic Engineering Technical Officer).

Public Speakers

Nicki Edwards, Headteacher, The Gryphon School - minute 83.

Councillor Jill Warburton, Sherborne Town Council, representing Sherborne Children's Services (The Rendezvous) and the lead with parents in the community for the Sherborne Area Roadsafe Project – minute 83.

(Notes: These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Cabinet to be held on **Thursday, 28 February 2019.**)

Apologies for Absence

76 An apology for absence was received from Councillor Katharine Garcia.

Code of Conduct

77 There were no declarations by members of disclosable pecuniary interests under the Code of Conduct.

Minutes

78 The minutes of the meeting held on 6 December 2018 were confirmed and signed, subject to an amendment of minute 62 to reflect the fact that Councillor Shane Bartlett was a member of Wimborne Minster Town Council Planning and Environment Committee rather than that of East Dorset.

Public Participation

79 Public Speaking

There were no public questions received at the meeting in accordance with Standing Order 21(1).

There were no public statements received at the meeting in accordance with Standing Order 21(2).

Petitions

There were no petitions received at the meeting in accordance with the County Council's Petition Scheme.

Restoration of Warmwell Quarry to enable development of Silverlake, Moreton Road, Crossways

80 The Committee considered a report by the Planning and Regulation Manager on

three planning applications:-

- WD/D/18/002145 - Variation to conditions of permission WD/D/14/00839 to enable changes to the restoration details and the removal of redundant conditions relating to mineral extraction (previously permitted by 'Determination of conditions on an Interim Development Order' (IDO permission));
- WD/D/18/002258 Variation to conditions of permission WD/D/14/000840 to enable changes to the restoration details and the removal of redundant conditions relating to mineral extraction (previously permitted by 'extraction of sands and gravels from areas which have been previously worked; regularisation of areas which have historically been used for the extraction of sands and gravels and further extraction in intervening areas'); and
- WD/D/18/002259 Variation to conditions of permission WD/d/16/002906 to enable changes to the restoration details and the removal of redundant conditions relating to mineral extraction (previously permitted by "Consolidation of mineral planning permission).

The three planning applications all served distinct purposes and were integral and adjacent to each other in the overall context of the development, and were designed to seek the same outcomes, this being to:

- extend the restoration period from the 31 December 2018 to the 31 July 2019
- make relatively small amendments to the restoration contours and the size and shape of some of the waterbodies
- formalise a Landscape and Ecological Management Plan (LEMP)
- remove the redundant planning conditions that were now no longer relevant as a result of the cessation of mineral extraction.

With the aid of a visual presentation, and taking into consideration the provisions of the Update Sheet appended to these minutes, officers described the proposals and planning issues in detail, what these entailed and what they were designed to achieve. A brief history of the site and its quarrying usage was also drawn to members' attention. Plans and photographs were used to show the characteristics of the site now, its location and to describe what activities were to take place and how this would be done. The site's land form and its context within the surrounding landscape was shown, with views from within and around the site, showing the topography and geology therein. The way in which the proposed restoration activities were to be undertaken were described in detail by officers. Arrangements for the way in which the water levels at the site were to be managed, the development's progression and the relationships thereof, were also described.

The proposal was designed to allow sufficient time for groundworks at the site to be satisfactorily completed so as to provide the configuration of the fundamental landform necessary for the Silverlake holiday home complex to be constructed on the outskirts of Crossways. The reason for these applications was so that the applicant - Habitat First Group – now needed more time to profile the available material than had originally been anticipated to create landforms necessary for the Silverlake development. The applications also proposed changes to the landform to better accommodate the available material. One of the changes to the landform close to Knighton Heath Wood was within the setting of Huck Barrow, a scheduled monument. It had been concluded that the changes did not affect the setting of the monument and would also improve nature conservation on the site.

The changes being proposed would not only extend the duration of the project but would see the previously agreed landform levels and lake dimensions being altered slightly from those previously approved. However the overall effect would remain broadly similar.

Critically, given that a housing complex was to be constructed adjacent to those bodies of water and the benefits this would bring in playing an integral part in the attractiveness of the development, it was necessary that those water levels were

accurately evaluated and engineered and, subsequently, closely monitored. The water levels within the proposed water bodies had been more precisely designed than would otherwise be the case, with any other minerals restoration project that did not have a housing after use not requiring this consideration.

Officers anticipated that if engineered as proposed, the hydrology of the site would be able to be balanced without the need for any alternative discharge system, although there were satisfactory contingency arrangements in place should that need to happen. Hydrological monitoring would provide confidence in how the lake's water levels were being managed across the site so as to be able to take reactive measures if necessary.

The consultation exercise had shown that the County Councillor for Linden Lea; West Dorset District Council; Crossways Parish Council and Knightsford Parish Council Group had all raised no objections to the applications. For the reasons set out, officers were recommending that the applications should be approved accordingly.

Having been assured of the arrangements in place to ensure that the water levels were engineered to a high specification and, subsequently, that an after care management plan provided the necessary monitoring and having had the opportunity to consider the merits of the application in detail and having had their questions answered satisfactorily, the Committee were satisfied in their understanding of what the proposals entailed.

Given this, the Committee, agreed that planning permission should be granted subject to the conditions set out in the Service Director's report and taking into account the provisions of the Update Sheet and, on being put to the vote, it was

Resolved

That planning permission be granted in respect of planning applications WD/D/18/002145, WD/D/18/002258, and WD/D/18/002259, in accordance with the conditions set out in paragraph 8.2, 8.3 and 8.4 of the Service Director's report.

Reason for Decision

The reasoning for this was set out in paragraphs 6.1 - 6.28 of the report.

Extraction of ball clay at Furzeyground Ball Clay Pit, Furzebrook Road, Wareham

81 The Committee considered a report by the Planning and Regulation Manager in respect of two planning applications:

- 6/2017/0732 - for the continued working of the western extension of Furzeyground ball clay pit, Furzeybrook Road, Wareham and
- 6/2018/0388 - for the variation of conditions 3 and 15 of planning consent 6/1988/0002, to update the approved plan details to allow the extraction of ball clay to be completed, providing an acceptable final landform and restoration which incorporated an internal haul route.

Both planning applications served distinct purposes and were integral and adjacent to each other in the overall context of the development, and were designed to seek the same outcomes, this being to:-

- facilitate the continuation of working in the west of the site at historic rates, but extending the extraction life by 13 years, until 2030 and proposed the diversion of the internal haul road that ran through the site
- vary the restoration proposals in the eastern portion of the site to

accommodate the diverted haul road.

With the aid of a visual presentation, and in taking into consideration the provisions of the Update Sheet appended to these minutes, officers described the proposals and planning issues in detail, what these entailed and what they were designed to achieve. A brief history of the site and its usage was also drawn to members' attention. Plans and photographs were used to show the characteristics of the site, its location and to describe how the quarrying operations would be progressed. The site's landform and its context within the surrounding landscape were shown, with views from within and around the site. The activities and operations proposed to be undertaken, and the practicalities of this, were described in detail by officers. Arrangements for the way in which the quarrying was to be phased and managed, its progression and the relationship between each phase was also described.

Officers described what activities were to take place on site; their relationship with the current quarrying operations; the site's setting within the landscape; the local highway network and access arrangements, including where rights of way were situated; and the topography and geology of the area and how these would be managed and landscaped by what was being proposed.

The relationship between the site and neighbouring land; residential properties; commercial amenities; environmentally designated areas - as set out in paragraph 2.5 to the report - were all drawn to the attention of members.

How the National Planning Policy Framework (NPPF) was applied and what the Planning Assessment took into consideration in the weighting to be given to the Draft Minerals Strategy and the part this should play in the Committee's decision making process, was detailed in the report.

Officers explained the need for this much valued and rare mineral to be won and worked, its nationally recognised importance in the ceramics industry and the quantities in which this would be excavated. The development would make a modest yet important contribution towards the aim of ensuring that the Mineral Planning Authority made provision for a steady and adequate supply of all grades of ball clay throughout the Minerals Plan period. Accordingly, the Committee recognised that such mineral could only be quarried where it was found.

In particular, how the internal haul road was to be relocated and the reasoning for this, together with what the restoration process would be, was described. In realigning the haul road to the southern side of the pit, flexibility would be provided for the reserves located at present centrally and beneath the western end of the existing haul road, to be able to be excavated and would serve to provide better linkage between the restoration of the site and the designated heathland to the north. Officers described the various environmental designations the site was either part of, or located adjacent to, and how this had affected consideration of the proposals and what they entailed. Officers described the relationship between the site and neighbouring properties at Cotness.

Whilst this realignment would bring the haul road closer to the neighbouring Grade II Listed property of Perywinkles, the road would be constructed at a lower level than at present and close to a substantial screening bank. This difference in level and its close proximity to the bank - which was higher than the applicant's haulage lorries - was seen to be sufficient in mitigating any adverse noise from disturbance at Perywinkles. Moreover, the realignment meant the visual impact of the road was minimal from all significant viewpoints in the vicinity, particularly the higher ground to the south, including Creech Barrow. The haul road was used by the operator's HGV traffic from its other local sites and so its retention provided a useful access shortcut, taking HGV traffic off the public highway, away from housing, and so had environmental benefits.

In consideration of the impacts on the environmental designations and what bearing

the development would have on amenity, officers considered that given all that was being proposed in mitigation, the significant public benefits to be gained from the development would clearly and demonstrably outweigh any harm and was therefore seen to accord with the relevant NPPF guidance. On that basis, the Committee were being asked to approve the officer's recommendation that planning permission be granted.

The consultation exercise had shown that the County Councillor for South Purbeck, Purbeck District Council, Church Knowle Parish Council, the Environment Agency, Natural England and County Council officers all raised no objections to the application, subject to certain considerations, which officers were confident would be sufficiently covered by conditions.

Particular reference was made to the impact on environmental interests. Whilst both Natural England and the County Ecologist were satisfied that the proposal would not have any significant effect on the adjacent designated sites, their advice was that so as to ensure the long term security of the adjacent heathland, it was considered essential that the sites were managed in perpetuity, beyond the end of the aftercare period. On that basis, they had recommended that the management be undertaken by a recognised nature conservation body, with the mechanism required to secure this being through a s106 obligation. Officers accepted this being the case, with the relevant Heads of Terms being detailed in paragraph 8.2 of the report. How the restoration process would be managed had necessitated an amendment to the recommendation in the original Committee report, which was addressed in the provisions of the Update Sheet.

The Committee were then provided with the opportunity to ask questions of the officer's presentation and officer's provided clarification in respect of the points raised as necessary. Members were satisfied with the responses received in their more meaningful understanding of what the proposals entailed and accepted that compliance with all that was necessary would be satisfactorily met.

Having had the opportunity to consider the merits of the application in detail and having had their questions answered satisfactorily, the Committee - having taken into consideration the officer's report, the provisions of the Update Sheet and what they had heard at the meeting - were satisfied in their understanding of what the proposals entailed and the assurances provided by officers in how the operations would be managed.

Given this, the Committee, in recognising that this mineral could only be worked where it was found; was of significant national value and importance and provided economic and employment benefits - which outweighed any harm identified - in taking account of the proposed mitigation, agreed that planning permission should be granted, subject to the conditions set out in the Committee report, and taking into account the provisions of the Update Sheet and, on being put to the vote, it was

Resolved

1) That planning permission be granted in respect of planning applications 6/2017/0685 and 6/2017/0687, subject to the conditions set out in the condition schedules found in 8.3 and 8.4 of the Committee report and the provisions of the Update Sheet and subject to the prior completion of a S106 obligation in accordance with the Heads of Terms set out in 2) below.

2) That the applicant should secure the long-term management of the restored site following the aftercare period in accordance with a wildlife management plan submitted prior to the end of extraction. After the site had been restored, and before the end of the aftercare period, the applicant should use its best endeavours to transfer the restored site to a recognised nature conservation body approved by Natural England or the Local Authority.

Reason for decisions

The reasons for granting planning permission being set out in the Planning

Planning application 6/2017/0746 - Management of Winfrith Magnox Nuclear Licensed Site, Winfrith Newburgh

82

The Committee considered a report by the Planning and Regulation Manager on planning application 6/2017/0746, for the development of a grout and concrete plant and an interim curing facility, including a perimeter fence and other associated infrastructure on land at Magnox Nuclear Licensed Site at Winfrith Newburgh. Clarification was provided to members why this application was necessary and why it was being done in the way it was.

With the aid of a visual presentation, and taking into account the provisions of the Update Sheet circulated to members prior to the meeting and appended to these minutes, officers described the proposals and planning issues in detail, what these entailed and what they were designed to achieve. The application sought permission for the construction of waste management infrastructure to encapsulate radioactive waste that had arisen from the decommissioning of two former test nuclear reactors on site. The encapsulation of the waste in concrete boxes was required to enable it to be safely and securely exported off site to an interim storage facility at Harwell Licensed Nuclear site in Oxfordshire until a geological disposal facility was to become a practical solution. The capacity and number of boxes was described and the committee noted that the buildings would be removed upon completion of the works.

Plans and photographs were used to show the characteristics of the site, its location and to describe the means by which the facility would operate. The site's land form; the buildings and facilities proposed to be constructed for the operations; their dimensions; and their context within the surrounding landscape were shown, with views taken from within and around the site. The activities and operations proposed to be undertaken were described in detail by officers, how the treatment of the waste material would be encapsulated and managed in practice and what the storage process entailed.

How the waste material would be transported, by vehicle, off site and what arrangements would be put in place to do this were described. Access and security arrangements were also drawn to the Committee's attention.

Officers described what relationship the activities which were to take place on site had with the current operations; the site's setting within the landscape; and the relationship of the application with other facilities in the larger context of the site. Moreover, officers detailed the way in which the waste was to be encapsulated; stored; cured; and managed with this being at the core of the application.

The proposed development has been considered against the development plan, national policies and strategy relating to nuclear decommissioning and radioactive waste management, and the draft Waste Plan. The application fully accorded with national policy for radioactive waste management and with national and local planning policy and there had been no objections received to it. The consultation exercise had shown that the County Councillor for South Purbeck, Purbeck District Council; Wool Parish Council; Winfrith Newburgh Parish Council; the Environment Agency; Natural England; Historic England; the Office of Nuclear Registration; the Nuclear Decommissioning Authority; and relevant County Council officers had not raised any objections to the application.

The opportunity was provided for Members to ask questions of the officer's presentation and were satisfied by the responses they received from officers on the handling of radioactive waste and traffic generation.

The Committee recognised the complexities associated with such an application and appreciated what efforts had been made in identifying a sustainable and manageable solution for dealing with this issue. What mitigation measures were to be put in place, as necessary, were described.

The Committee were then provided with the opportunity to ask questions of the officer's presentation and officer's provided clarification in respect of the points raised as necessary. Members were satisfied that compliance with other regulatory regimes was a matter for other bodies and that they were clear in their understanding about those material planning considerations that were relevant to the application before them.

Having had the opportunity to consider the merits of the application in detail and having had their questions answered satisfactorily, the Committee - having taken into consideration the officer's report, the provisions of the Update Sheet and what they had heard at the meeting - were satisfied in their understanding of what the proposals entailed and the assurances provided by officers in how the operations in dealing with the radioactive waste management process would be managed - in a controlled, secure and practical way. Accordingly, on being put to the vote, the Committee agreed

Resolved

That planning permission be granted in respect of planning application 6/2017/0746, subject to the conditions set out in paragraph 8.2 of the Committee report and having regard to the provisions of the Update Sheet.

Reason for Decision

To ensure that the operations were managed in a safe, responsible and practical way and by the appropriate means necessary. The construction and operation of the facilities would support the achievement of the Interim End Point for 2023, and preferred final end state to restoration to a heathland landscape with public access.

Proposed Puffin Pedestrian Crossing - Bristol Road, Sherborne

83 The Committee considered a report by the Planning and Regulation Manager on the on the advertisement of a proposal for the implementation of a Puffin pedestrian crossing on B3145 Bristol Road, at the northern end of Sherborne, in facilitating the crossing of the road by a controlled means, across the main route to Wincanton and the A303 trunk road.

The proposed Puffin crossing had been requested and supported by Sherborne Town Council following representation from the Gryphon School with the aim of providing a safe crossing facility on Bristol Road, near the Blackberry Lane/Quarr Lane junction, for school pupils and parents going to and from local schools, as well as providing a benefit for the wider community. The crossing was seen to be necessary in the absence of any school crossing patrol, which had previously existed but had been unable to be replaced during the previous 3 years despite numerous attempts to do so. Assessments made of pedestrian accessibility need had clearly demonstrated that the criteria for a Puffin crossing had been met and its installation justified.

Following the advertisement of the proposals, two representations had been received, on the basis that the crossing would erode already limited on street limited parking provision and adversely impact the amenity of properties in the vicinity of where it was being proposed to be located. On that basis, and having met with those involved on site, these issues had been addressed as far as practicable, so that the, slightly revised, proposed location for the crossing was now seen to be more acceptable whilst still being able to serve the purpose for which it was designed. In accommodating this, this amended design now formed the basis of the recommendation by officers and the basis upon which any decision would be made. The Committee acknowledged and accepted this.

In practice, mitigation provided for a marginal relocation of the apparatus so that it would no longer be sited in the line of vision of a residential property's windows; consideration of the crossing's activation audibility during night-time and use of efficient LED lighting so as to avoid extraneous light pollution. The lights could be partially cowled if deemed necessary too.

With the proposed crossing being requested by Sherborne Town Council on that basis and, along with West Dorset District Council, Dorset Police and the County Councillor for Sherborne as primary consultees, all agreed the proposals should be advertised. However, as a consequence of the objection which remained outstanding, the Committee was now being asked to consider whether the proposals should be recommended to Cabinet for implementation, as amended in the plan in Appendix 3 to the report.

With the aid of a visual presentation, officers showed where the crossing was advertised to be sited, the characteristics and configuration of Bristol Road; how the crossing would benefit access local schools and amenities; its relationship with other roads in the surrounding road network; what parking could be retained; the setting of the crossing within the townscape and what amenities and facilities would be served by the crossing.

Effectively the only point at which the crossing could be situated to meet the needs of users - at a place where it was seen to be the natural place to cross - and in meeting the engineering practicalities of doing so to ensure the necessary regulations were complied with, was where it was being proposed.

The Committee heard from public speakers. Nicki Edwards, Headteacher at the Gryphon School considered the crossing to be essential on road safety grounds, in ensuring there was a controlled means of being able to cross such a busy road and in allowing as safe access as possible to the schools and other amenities in the vicinity. Whilst there may have been no recorded accidents, she was aware of an accident in December 2017 where a pedestrian had to cross between parked cars. She considered that all should be done to avoid incidents or accidents occurring and the crossing would go a considerable way to achieving this.

Councillor Jill Warburton - representing Sherborne Children's Services (The Rendezvous) of Sherborne Town Council and the lead with parents in the community for the Sherborne Area Roadsafes Project - spoke in favour of the proposal, with her participation in Roadsafes and The Rendezvous giving her a good insight into the needs of vulnerable road users. She too considered the crossing to be essential given the absence now of any other means of aided crossing, all the amenities it served and the prospect of a new housing development nearby, it would be a welcome asset to the town. The Puffin crossing also provided the capability for those more vulnerable road users to be able cross in the knowledge that their needs were being accounted for.

The Committee were then provided with the opportunity to ask questions of the

officer's presentation and about what they had heard and officer's provided clarification in respect of the points raised. In particular officers explained why the crossing proposed was a Puffin rather than a Toucan, given that those assessed to be crossing were predominately pedestrians and that Toucan crossing were used where there was a cycling network to which to link.

The County Councillor for Sherborne Town advocated the installation of the crossing considering that it would most beneficial on road safety grounds and necessary given how it would serve the Gryphon and other schools. He was particularly appreciative of the considerable efforts made to ensure that an acceptable solution could be found to meet the needs of all. He asked that if there was a means to be able to partially cowl the lights, this should be done. The Committee agreed that this should be an integral part of the installation.

The practicalities of siting the crossing where it was proposed was understood and the efforts made to realise a comprise to accommodate the representations received, as far as practicable, was acknowledged. The Committee considered that the way in which this process had been managed was exemplary and demonstrated what benefits could be gained from a collaborative and cooperative approach to achieve a successful outcome for a local issue. In that regard the Committee asked that the Town Council and the Gryphon School be commended on the part they had played in this achievement.

Given this, the Committee considered that they had a responsibility to ensure that every opportunity was taken to improve road safety where practicable and that the introduction of a Puffin crossing would go some considerable way to achieving this. Having heard what they had from those addressing the Committee, and in having a clear understanding the reasons for the officer's recommendation, and the basis on which the amendments to the advertised proposals had been made, on being put to the vote, the Committee considered the crossing to be necessary on road safety grounds and recognised the benefits this would bring in facilitating pedestrian movements by a controlled means and, on that basis, considered that Cabinet be asked to endorse their recommendation on the basis of the amended proposals - shown on drawing number HI 1178-08-01-Orig at Appendix 3 to the report - to the original advertisement.

Recommended

That Cabinet be asked to support the provision of a Puffin pedestrian crossing in Bristol Road, Sherborne, on the basis of the amended scheme shown on drawing number HI 1178-08-01-Orig at Appendix 3 to the report and taking account of the observations made by the Committee.

Reason for Recommendation

To provide a crossing point by a controlled means to facilitate pedestrian movements and improve road safety following requests from local schools and support by Sherborne Town Council.

Proposed Residents' Parking Scheme - Stourbank Road, Christchurch

- 84 The Committee considered a report by the Service Director for Environment, Infrastructure and Economy on a proposed resident's parking scheme for Stourbank Road, Christchurch to provide for limited parking for 1 hour, with no return within 1 hour, Monday to Friday, 8am – 6pm, except for resident permit holders.

This proposal was designed to address concerns from residents about parking, congestion and access issues in the road which had led to a petition being sent to Christchurch Borough Council in that regard. Subsequently the Borough Council was supportive of the concerns raised, particularly that vehicles were unable to turn once

within Stourbank Road owing to parked vehicles. The proposed restrictions would improve access for larger vehicles, including refuse vehicles and emergency vehicles.

Given that the County Council's policy was that petitions for residents' parking schemes should be supported by at least 60% of residents in the affected street and endorsed by the relevant district/borough council, it was confirmed that this was the case – with 71% support - in the necessary criteria being met and well exceeded the threshold necessary to be progressed. Following the advertisement of the proposals, objections had been received and, as a consequence, the Committee was now being asked to consider whether Cabinet should be asked that the proposals should be implemented as advertised.

With the aid of a visual presentation, officers explained the reasoning behind the need for the proposed scheme, what these entailed and the basis of the objections received. As an integral part of the proposal, parking bays and access protection markings would also be implemented, which would ease the flow of traffic and allow turning of vehicles.

Photographs and plans were shown to the Committee by way of illustration. This showed where the proposals would be situated, the characteristics and configuration of the road and its setting within the town. It also showed the relationship between the road and residential properties; where off street parking was available and the effect congestion was having on access arrangements and where Twynham School was situated and how the need for access to it played a significant part in what was being proposed.

Primary consultation had been carried out on the proposals and was supported by the local County Councillor for Christchurch Central, Christchurch Borough Council and the Dorset Police. Objections received were against the principle of resident's parking; that this problem was attributable to the school and was for them to find a solution; that these measures would only serve to push the problem onto other streets; that evening parking was more of an issue than during the daytime; and that, even in the event of being part of the scheme, there was still no guarantee that a parking space would be available when required. However officers considered that the proposals were, on balance, the best achievable to meet competing needs and addressed the issues currently being experienced. It was confirmed that parking enforcement would be monitored by Civil Enforcement Officers.

Having considered the representations and outstanding objections, officers considered that the proposal would improve safety for pedestrians and road users by improving visibility on a fairly narrow stretch of road and also improve access for emergency vehicles.

Whilst unable to attend the meeting the Committee heard from the County Councillor for Christchurch Central in reaffirming his support for the measures.

The Committee were then provided with the opportunity to ask questions of the officer's presentation and about what they had heard and officers provided clarification in respect of the points raised as necessary.

Having had the opportunity to consider the merits of the proposals in detail and having had their questions answered satisfactorily, the Committee - having taken into consideration the officer's report and what they had heard at the meeting - were satisfied in their understanding of what the proposals entailed and that the residents' parking scheme would be beneficial to addressing the parking issues and improving access and road safety and given this agreed that Cabinet should be asked to endorse the proposals as advertised and on being put to the vote, it was

Recommended

That having considered all the responses received, Cabinet be asked to endorse the recommendation that the proposals for limited waiting for 1 hour, Monday to Friday 8am – 6pm, no return within 1 hour, in Stourbank Road, Christchurch - except for resident permit holders - be progressed as advertised.

Reason for Recommendation

Prior to advertising the proposal, 71% of residents in Stourbank Road supported the petition and was supported by Christchurch Borough Council. Dorset County Council policy states at least 60% was required. Therefore, the necessary criteria for the implementation of resident's parking schemes had been met and the percentage threshold well exceeded. Stourbank Road led to Twynham School entrance, used by vehicles, cyclists and pedestrians. The school had a sixth form and, as a result, both pupils and teachers were using local roads to park throughout the day time, often inappropriately.

Questions from County Councillors

85 There were no questions raised by members under Standing Order 20(2).

Future arrangements for the Committee/Consideration of site visit request

86 The Committee took the opportunity to consider their future arrangements for their meetings and gave consideration to a request from Knightsford Parish Group Council Group for a site visit to be held in connection with an upcoming planning application about Woodsford Quarry.

Having given careful consideration to the merits of holding a site visit as requested, on being put to the vote, it was agreed that this would be unnecessary given that there would be a comprehensive report by officers on the application with photographs and could, if necessary, be complemented by a video of the site the Parish Council wished to take into consideration, which would not involve having to access the application site itself. Furthermore if members wished to familiarise themselves with this site in their own right, they were able to do so.

Update Sheet

87 **Planning Matters**

Minute 80

**Application Nos: WD/D/18/002145, WD/D/18/002258 and
WD/D/18/002259: Warmwell Quarry / Silverlake, Moreton Road,
Crossways**

Update:

The following are proposed revisions to conditions:-

Condition 2 for Planning Applications WD/D/18/002145, WD/D/18/002258 & WD/D/18/00259 (ie 3 conditions) should also list the following additional drawings
2655_L_ SWWP_0_01 Rev A Site Wide Woodland Planting Plan dated 3/01/19
2655_L_ SWHP_0_01 Rev A Site Wide Habitat Planting Plan dated 10/01/19

Condition 15 for Planning Applications WD/D/18/002145, WD/D/18/002258 & WD/D/18/00259 (ie 3 conditions) at present is drafted

15. *Unless otherwise approved in writing by the Mineral Planning Authority each area of the site shall be planted with trees and shrubs during the first planting*

season (November to February) following completion of its restoration in accordance with a Planting Scheme submitted to and approved in writing by the Mineral Planning Authority. Any Planting Scheme submitted to the Mineral Planning Authority for approval shall include details for each area of the species to be planted, densities of planting, quantities of each species to be planted, positioning of planting within the restored areas and timescale for implementation.

This condition (common to all three applications) should now state

15. Unless otherwise approved in writing by the Mineral Planning Authority each area of the site shall be planted with trees and shrubs during the first planting season (November to February) following completion of its restoration in accordance with the Site Wide Woodland Planting Plan and associated planting schedule (drawing number 2655_L_SWWP_0_01 Rev A dated 3/01/19) and the Site Wide Habitat Planting Plan and associated planting schedule (drawing number 2655_L_SWHP_0_01 Rev A dated 10/01/19)

Conditions 17, 18, and 19 for each of Planning Applications WD/D/18/002145, WD/D/18/002258 & WD/D/18/00259 (ie 9 conditions) refer to the “Landscape and Ecological Management Plan (LEMP) Version 1 – 2018”.

These 9 conditions should now refer to the “Landscape and Ecological Management Plan (LEMP) Part 1 version 2.0 dated 16/01/2019 and Part 2 5-year Management Prescriptions version 2 dated 16/01/2019”

Officer comment:

Proposed change to conditions to reflect latest version of landscape planting schedule and the latest revision to the Landscape and Ecological Management Plan (LEMP)

Minute 81

Application No. 6/2017/0732 - Furzeyground Ball Clay Pit, Furzebrook Road, Wareham, Dorset

Update

Change to recommendation to make it more precise

Recommendation

As written in the published report

- 8.1 That the Mineral Planning Authority resolves to grant planning permissions 6/2017/0685 and 6/2017/0687, subject to the conditions set out in the condition schedules found in 8.3 and 8.4 and the heads of terms of the legal agreement set out in section 8.2 below.**
- 8.2 To mitigate against and compensate for the delay in restoration of the site, as detailed in paragraph 6.14 of this report the applicant has agreed to enter into a legal undertaking that would secure the long-term management of the site in accordance with the following Heads of Terms:**
The applicant shall secure the long-term management of the restored site following the aftercare period in accordance with a wildlife management plan submitted prior to the end of extraction. After the site has been restored, and before the end of the aftercare period, the applicant shall use its best endeavours to transfer the restored site to

a recognised nature conservation body approved by Natural England or the Local Authority.

Revised Recommendation

- 8.1** ***That the Mineral Planning Authority resolves to grant planning permissions 6/2017/0685 and 6/2017/0687, subject to the conditions set out in the condition schedules found in 8.3 and 8.4 and subject to the prior completion of a S106 obligation in accordance with the heads of terms set out in Paragraph 8.2 below.***
- 8.2** ***The applicant shall secure the long-term management of the restored site following the aftercare period in accordance with a wildlife management plan submitted prior to the end of extraction. After the site has been restored, and before the end of the aftercare period, the applicant shall use its best endeavours to transfer the restored site to a recognised nature conservation body approved by Natural England or the Local Authority.***

Minute 82

Planning application: Magnox Nuclear Licensed Site, Winfrith Newburgh, DT2 8WG

Application No. 6/2017/0746

The development of a grout and concrete plant and an interim curing facility, including a perimeter fence and other associated infrastructure on land at Magnox Nuclear Licensed Site, Winfrith Newburgh, DT2 8WG.

Update:

Condition 5. Protection of the water environment

Within six months of the demolition and removal of all temporary buildings and areas of hardstanding, as shown in approved drawing: GVA/SLP (Rev C) titled 'Red Line Plan', a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 and
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the written consent of the Local Planning Authority. The approved scheme shall be implemented as approved.

Condition 7. Protection of the water environment

Within twelve months of the demolition and removal of all temporary buildings and areas of hardstanding, as shown in approved drawing: GVA/SLP (Rev C) titled 'Red Line Plan', a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include the results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that site remediation criteria have been met.

Condition 9. Protection of biodiversity

Within three months from the date of this permission an Environmental Management Plan (EMP) and a Biodiversity Management and Enhancement Plan (BEMP) will have been submitted to and approved in writing by the Local Planning Authority. The EMP and BMEP shall be implemented as approved throughout the development.

Officer comment:

The applicant's agent informed Dorset County Council that the hardstanding for both buildings has already been constructed and would therefore require removal if the EA maintained their position of requesting a site investigation (inclusive of a remediation strategy and verification plan) prior to development commencing. Upon further consideration of the environmental risk of pollution to the water environment, at this location, the EA subsequently advised, in an email dated 17 January 2019 that they would be satisfied with the amendment of Condition 5 – Protection of the water environment and Condition 7 – Protection of the water environment to remove the requirement for a site investigation prior to the commencement of development and for a remediation strategy and verification plan to be submitted within 6 months of the facility being demolished and a verification report within 12 months of the facility being demolished.

The applicant has submitted sufficient detail about surface water management to remove Condition 8 – Protection of the water environment.

Since the report was published the applicant has submitted a BMEP to Dorset County Council's Natural Environment Team (NET) that once approved will remove the need for an EMP. Following the advice of the NET, the applicant is currently making minor amends to the BMEP and has requested that the recommended condition provides them with sufficient time to submit the final version for approval. This amendment would also remove the immediate breach in planning control because the development has already commenced.

Meeting Duration: 10.00 am - 12.10 pm

Regulatory Committee

Dorset County Council



Date of meeting	28 February 2019
<u>Local Member(s):</u> Cllr Andrew Parry – Member for Ferndown Cllr Mike Parkes – Member for Ferndown <u>Lead Officer</u> Matthew Piles, Service Director, Environment, Infrastructure & Economy	
Subject of report	Application to divert part of Footpath 9, West Parley at Dudsbury Fort
Executive summary	This report considers an application to divert part of Footpath 9, West Parley at Dudsbury Fort as shown on Drawing 18/02/1 (Appendix 1).
Applicant	Bournemouth Guide Camp Association
Impact Assessment:	<u>Equalities Impact Assessment:</u> There is no furniture on the proposed route. The width, gradient and surface of the new route meet Dorset County Council's recommended standards for new footpaths.
	<u>Use of Evidence:</u> The applicant consulted the local Parish Council and key user groups before submitting the application in order to establish whether the proposals would have support. A full consultation exercise was carried out in February / March 2018 involving user groups, local councils, those affected and anyone who had already contacted Dorset County Council regarding this application. The County Councillor for Ferndown, Cllr Andrew Parry, was also consulted. Cllr Mike Parkes, Member for Ferndown (elected October 2018) was sent details of the proposal in December 2018. In addition, notices explaining the application were erected on site. Comments received are discussed in this report.

	Budget : The applicant has agreed to pay in accordance with the County Council's usual scale of charges and also for the cost of advertising the Order and subsequent Notice of Confirmation. The law does not permit the County Council to charge the applicant for the cost of obtaining confirmation by the Secretary of State if an Order is the subject of an objection.
	Risk Assessment: Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as: Current Risk: LOW Residual Risk: LOW
	Other implications: Sustainability – The proposal will not have any effect on carbon emissions and supports alternative methods of travel to the car. Use of public rights of way promotes a healthy balanced lifestyle.
Recommendations	That: (a) The application to divert part of Footpath 9, West Parley at Dudsbury Fort from A – B – C to A – D – E – F – G – G1 – G2 – H – C be accepted and an order made; (b) The Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion; and (c) If the Order is unopposed, or if any objections are withdrawn, it be confirmed by the County Council without further reference to the Committee.
Reasons for Recommendations	(a) The proposed diversion meets the legal criteria set out in the Highways Act 1980. (b) The inclusion of these provisions in a public path order means that there is no need for a separate legal event order to modify the definitive map and statement as a result of the diversion. (c) Accordingly, the absence of objections may be taken as acceptance that the proposed new route is expedient and therefore the County Council can itself confirm the orders. Decisions on applications for public path orders ensure that changes to the network of public rights of way comply with the legal requirements and supports the Corporate Plan 2017-19 Outcomes Framework:

	People in Dorset are Healthy: • To help and encourage people to adopt healthy lifestyles and lead active lives • We will work hard to ensure our natural assets are well managed, accessible and promoted. Dorset's economy is Prosperous: • To support productivity we want to plan communities well, reducing the need to travel while 'keeping Dorset moving', enabling people and goods to move about the county safely and efficiently Before confirming a public path creation, diversion or extinguishment order a council or the Secretary of State must have regard to any material provision of a rights of way improvement plan prepared by the local highway authority. Dorset's Rights of Way Improvement Plan sets out a strategy for improving its network of Public Rights of Way, wider access and outdoor public space.
Appendices	1 – Drawing 18/02/1 2 – Drawing 19/02 3 – Summary of consultation responses 4 – Historic England's consultation responses 5 – Drawing 18/28 6 – Selected photographs of the new route 7 – Complaints received by Guide Camp
Background Papers	The file of the Service Director, Environment, Infrastructure & Economy (ref. RW/P189)
Officer Contact	Carol McKay Definitive Map Technical Officer Planning and Regulation Team Tel: (01305) 225136 email: c.a.mckay@dorsetcc.gov.uk

1 Background

- 1.1 The County Council has received an application from Bournemouth Guide Camp Association to divert part of Footpath 9, West Parley at Dudsbury Fort, a Scheduled Monument, as shown on Drawing 18/02/1 attached as [Appendix 1](#).
- 1.2 Dudsbury Fort is an Iron Age hillfort situated on the north bank of the River Stour. The hillfort is a roughly oval enclosed area of about 3 hectares consisting of double ramparts and a ditch on the west, north and east sides, with a single rampart above a steep slope to the river on the south side. The ramparts are best preserved to the south west and north east. A plan indicating the extent of the Scheduled Monument is attached as [Appendix 2](#).
- 1.3 The current definitive route of Footpath 9, West Parley runs from point A to point B through a wooded area south of the property Castle Rings (176 Christchurch Road). The footpath is fenced along its northern side between A and B. At point B the footpath enters the guide camp and continues across an open grass area to point C. Both the current definitive and proposed new footpaths are within the Scheduled Monument.
- 1.4 The definitive line of Footpath 9 is obstructed by a hedge just south east of point C, and the used route detours around the end of the hedge slightly northeast of the definitive line of the path.
- 1.5 The proposed new route of Footpath 9 is 3.8 metres wide between points A – D, 2 metres wide between points D – E – F – G – G1 and G2 – H – C and 4 metres wide between G1 and G2. It runs from point A, south west along a woodland path to point D, then north west to point E, continuing around the edge of the guide camp via points F, G, G1, G2 and H to point C. At point F, vegetation has been cleared to create a viewpoint to the south west and at point H an interpretation board for Dudsbury Fort has been installed (see [Appendix 6](#)).
- 1.6 Scheduled Monument Consent was granted by the Secretary of State for the creation of a new footpath on Dudsbury Guide Camp's land, within the ramparts, including the erection of fencing, vegetation clearance and the installation of an interpretation board.
- 1.7 This diversion is being made in the interest of the landowners. The current route A – B – C runs through Castle Rings' land between points A – B and Dudsbury Guide Camp between points B – C. The proposed new route is within Castle Rings' land between points A – D – E and Dudsbury Guide Camp's land between points E – F – G – G1 – G2 – H – C.
- 1.8 The guide camp offers a variety of activities and camping for uniformed groups (brownies, guides etc) and school / private hire. In addition, the camp hosts a forest pre-school.
- 1.9 Footpath 9 bisects Dudsbury Guide Camp and has significant safeguarding implications as walkers are able to freely walk through the site. Some walkers trespass from the public footpath and there have been incidents of damage to tents and equipment, littering, damage to archaeological features and instances of walkers' dogs frightening site users.

- 1.10 The Guide Camp has provided copies of correspondence from site users (included as [Appendix 7](#)) which reveal problems encountered at Dudsbury Camp, which are compounded by the location of the public footpath.
- 1.11 Having a clearly defined path around the edge of the site would reduce contact between walkers and the guide camp users and also incidents of trespass.
- 1.12 Due to the location of the footpath, the preferred route for the diversion includes the section of footpath across Castle Rings from A – B. The owners of this property support the diversion around their property and will benefit from increased privacy.
- 1.13 In addition to improving privacy and security for both affected landowners, a number of improvements have been made to the proposed new route to enhance the public's enjoyment and understanding of the Iron Age Hill Fort.

2 Law

Highways Act 1980

- 2.1 Section 119 of the Highways Act 1980 allows a footpath or bridleway (or part of one) to be diverted in the interests of the landowner, lessee or occupier or of the public, subject to certain criteria.
- 2.2 A diversion cannot alter the termination point of the path if the new termination point: -
 - (a) is not on a highway; or
 - (b) (where it is on a highway) is otherwise than on the same highway or a connected highway, which is substantially as convenient to the public.
- 2.3 A public path diversion order cannot be confirmed as an unopposed order unless the County Council are satisfied that:
 - (a) in the interests of the owner, lessee or occupier or of the public, the diversion to be effected by it is expedient;
 - (b) the diversion would not result in a path that is substantially less convenient to the public;and that it is expedient to confirm the order having regard to:
 - (c) the effect the diversion would have on public enjoyment of the footpath as a whole;
 - (d) the effect the diversion would have on other land served by the footpath; and
 - (e) the effect on the land over which the diversion will run and any land held with it.
- 2.4 Section 29 of the Highways Act 1980, as amended by Section 57 of the Countryside and Rights of Way Act 2000, says that when making diversion orders the County Council must have regard to the needs of agriculture,

forestry and nature conservation and the desirability of conserving flora, fauna and geological and physiographical features. "Agriculture" includes the breeding and keeping of horses.

- 2.5 Section 119(3) of the Highways Act 1980 as amended by the Countryside and Rights of Way Act 2000 provides that the extinguishment of the existing public right of way "is not to come into force until the local highway authority for the new path or way certify that the work has been carried out".
- 2.6 The County Council may itself confirm the order if it is unopposed. If it is opposed it may be sent to the Secretary of State for confirmation.

Wildlife and Countryside Act 1981

- 2.7 Section 53A of the Wildlife and Countryside Act 1981 enables provisions to amend the definitive map and statement required by virtue of a diversion order to be included in the diversion order instead of being the subject of a separate legal event order.

Human Rights Act 1998 – Human rights implications

- 2.8 The provisions of the Human Rights Act and principles contained in the Convention of Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols of particular relevance are:

Article 8 - Right to respect for private and family life

The First Protocol, Article 1 - Protection of Property.

- 2.9 When considering whether it is expedient to make the order a council must have due regard of any argument put forward by an adjoining landowner that their rights under Article 8 and Article 1 of the First Protocol would be infringed.
- 2.10 Section 28 of the Highways Act 1980 provides that a person with an interest in land affected by the consequence of the coming into operation of a public path order can make a claim for compensation for the depreciation of land value or damage suffered by being disturbed in his enjoyment of land.

Rights of Way Improvement Plan

- 2.11 Dorset County Council's Rights of Way Improvement Plan (ROWIP) is a statutory document setting out a strategy for improving its network of Public Rights of Way, wider access and outdoor public space.
- 2.12 Before confirming a public path creation, diversion or extinguishment order a council or the Secretary of State must have regard to any material provision of a rights of way improvement plan prepared by the local highway authority.
- 2.13 Five themes have been identified for improving access in Dorset of which the following are particularly relevant to the present case and should be considered in relation to this application:

- Theme 1.9 Ensure that the work of Dorset County Council and partners continues to protect and enhance Dorset's natural and cultural heritage.
- Theme 3.11 Seek opportunities to develop networks of paths and public outdoor space consisting of attractive, safe off-road routes enabling people of all ages, needs and abilities to walk/ride safely in and around their village/town, out to neighbouring settlements and into and about the wider countryside.

3 Consultation

- 3.1 Both County Councillors for Ferndown (Cllr Andrew Parry and Cllr Mike Parkes) have been consulted.
- 3.2 Cllr Andrew Parry supports the diversion. He is satisfied that the new route will not impact on public enjoyment and that the diversion will improve safeguarding for the guide camp.
- 3.3 Details of the proposed diversion were sent to Cllr Mike Parkes after his election in October 2018.
- 3.4 All consultation responses are summarised in [Appendix 3](#). Historic England's responses are included in full in [Appendix 4](#).

Objections

- 3.5 Seven objections were initially received to the consultation. Three objections were subsequently withdrawn, after discussion with the Guide Camp and owners of Castle Rings.
- 3.6 The Guide Camp have agreed to increase the width of the new footpath between points G1 and G2 to 4 metres by moving the fence into the field along this stretch.
- 3.7 The four outstanding objections raise a number of different issues which are summarised below with comments from officers.
- 3.8 Dorset County Council's powers are challenged by one objector who considers that the path is part of our natural heritage and that Dorset County Council should not have the right to divert it.

Officers' comments;

- (a) The County Council does have power to divert the footpath if the tests in Section 119 of the Highways Act 1980 are met.
- 3.9 Two objectors question the benefits of the diversion for the Guide Camp.

Officers' comments

- (a) The current right of way cuts across the centre of the Girlguiding campsite and there are also constraints on fencing the path due to its designation as an historic monument. As a result, the camp experiences problems caused by members of the public freely wandering across the site.

- (b) The Guide Camp has provided officers with documentation regarding problems experienced on site (at Appendix 7).
 - (c) The permissive path (the proposed new route of Footpath 9) currently in use has already had a beneficial impact for the Guide Camp by reducing the number of walkers using the footpath across the middle of the site.
 - (d) Officers are satisfied that the proposed diversion will improve privacy.
- 3.10 It is asserted that the proposed diversion has a negative effect on the hillfort, a Scheduled Monument.

Officers' comments;

- (a) The legislation which protects scheduled monuments does not impose any restrictions on altering the rights of way network where a right of way crosses a scheduled monument.
- (b) Officers consider that the proposed new route greatly improves access to and understanding of the hillfort without having a negative impact on it. The proposed new route follows the ramparts to the south west (part of the best-preserved elements of the hillfort).
- (c) The new viewpoint at point F enables walkers to experience its elevated position. The current route, in contrast, runs through the centre of the hillfort, missing these features.
- (d) Significantly, Historic England has already consented to the fencing on the Guide Camp's land. The proposed new footpath between E – F – G – G1 – G2 – H – C was created following Scheduled Monument Consent which was granted by the Secretary of State. In assessing applications, the Secretary of State aims to ensure that the significance of protected sites is safeguarded for the long term. The proposed new footpath A – D – E is also available on the ground as a permissive route.
- (e) Historic England state that they are generally supportive of the diversion on the guide camp's land. They have made suggestions for alternative diversions which retain A – B.
 - i. Its suggested alternative route B – F is circuitous and impractical. A diversion from B to G would miss the new viewpoint at point F which increases the public's enjoyment of the hillfort.
 - ii. Diverting the route along B – F or B – G would also fail to achieve the improvements to security and privacy for the guide camp as walkers would still be in close proximity to site users and the only way to prevent trespass would be to fence the new route requiring further Scheduled Monument Consent and potentially planning permission. This would be an undesirable outcome for the guide camp as the campsite would be split in two, leaving the southern part virtually unusable.
 - iii. A diversion along the boundary between points B – E was ruled out at an early stage due to the presence of large oak trees along this route. The trees are subject to a Tree Preservation Order.

- iv. The guide camp has liaised closely with Historic England to achieve a footpath which is both acceptable to walkers and appropriate for the preservation of the hill fort. The alternative proposal which would leave A – B in place and create a new route between points B – G, B – F, or B – E was not pursued due to the reasons discussed above.

3.11 Historic England is also particularly concerned that higher security fencing would be installed along the new route A – D – E due to the increased vulnerability of Castle Rings and Dudsbury Manor.

Officers' comments;

- (a) Consent for fencing affecting the scheduled monument from Historic England is a separate issue which is independent of the Diversion Order process. The issue of whether or not Historic England would find it difficult to oppose an application for fencing in the future if the Diversion Order is confirmed is not a relevant consideration.
- (b) The owners of the neighbouring property Dudsbury Manor support the proposed diversion.
- (c) It is important to note that the proposed diversion does not include any proposal to fence in the new route. The section E – F – G – G1 – G2 – H – C is already fenced and Scheduled Monument Consent would be required to fence in the proposed new route A – D – E.

3.12 West Parley Parish Council object to the fencing of the new route A – D with barbed wire.

Officers' comments;

- (a) The new route is partly fenced with barbed wire along its eastern side which forms the boundary with the neighbouring property Dudsbury Manor. Dorset County Council's standard recommendation is 2 metres minimum width for footpaths with an additional 0.5 metre for an adjacent barbed wire fence. However, following comments received during the public consultation, the owners of Castle Rings have agreed to increase the width of this part of the new footpath to 3.8 metres. This section of the new footpath follows a natural tree line as illustrated in [Appendix 6](#).

3.13 The effect of the proposed diversion on the Stour Valley Way is raised by three of the objectors.

Officers' comments;

- (a) Officers feel that the effect of the diversion on the Stour Valley Way is beneficial as the new route improves walkers' enjoyment and understanding of the hillfort and improved views from the new path. The proposed route also passes a new interpretation board about the hillfort. The proposed diversion does extend the length of the Stour Valley Way but the increase of approximately 171 metres is considered to be reasonable given the overall length of the route which is 64 miles (103 km).

- (b) The owners of Castle Rings have agreed to fund and install a Stour Valley Way interpretation board along the new route on their land subject to the successful diversion of Footpath 9, West Parley.
- (c) It should be noted that if the diversion is unsuccessful and the permissive footpath is retained, the Stour Valley Way may be routed along the permissive path.

3.14 West Parley Parish Council alleges that there is a health risk on the new route due to the presence of ferns.

Officers' comments;

- (a) Natural England guidance states that there is a *possibility* that bracken spores are carcinogenic which is of possible concern to people living amongst bracken and breathing in its spores. The Health and Safety Executive recommends that a suitable face mask should be worn while cutting or working in spore-producing bracken (i.e. during late July, August and September). However, since there is no confirmed association between exposure to bracken and human disease, the danger to people who walk along footpaths where bracken is present is negligible.

3.15 Two objectors believe that the new footpath is closer to river bank / flood plain. The Ramblers, whilst not objecting to the diversion, have also expressed concerns about the drainage of the path E – F.

Officers' comments;

- (a) The proposed new footpath is around the edge of the hillfort and does not descend a slope or cross wetter ground. The elevation of the new route is similar to that of the current path.
- (b) With regards to the section between E – F, the site has been visited by officers and rangers on several occasions and no drainage problems have been found. However should any surface issues be identified, these would be resolved before the order is confirmed.

3.16 Historic England has concerns that the section of path between D and E is uneven and liable to path erosion.

Officers' comments;

- (a) Following the consultation which raised concerns about the sloping hollow (a former stock entrance), a path has been cleared through vegetation just northeast of this, avoiding the eroded path.

3.17 The restriction of access to the roundhouse is discussed by two of the objectors.

Officers' comments;

- (a) The roundhouse (approximate location indicated on Drawing 18/02/1) is part of the Guide's camp and is not on the current public right of way. It was not built as a tourist attraction and the only access for the public is by special invitation.
- 3.18 One objector believes that footpath users should not be inconvenienced so that the owners of Castle Rings can profit from the increase in the value of their property.

Officers' comments;

- (a) The application to divert the footpath was submitted by the Guide Camp before the recent sale of Castle Rings. Whilst the new owners are working closely with the Guide Camp in relation to the proposed diversion, the effect on property value is not a relevant factor in the proposal.
- 3.19 The effect of the diversion on trade for the public house at 176 Christchurch Road (Castle Rings) is raised by another objector.

Officers' comments

- (a) 176 Christchurch Road (Castle Rings) is a privately-owned house, not a public house

Support

- 3.20 There are two consultees in support of the diversion. In addition to Cllr Parry, (see 3.2 above) the application is supported by the owners of Dudsbury Manor.

Other responses

- 3.21 Eight other responses were received, neither objecting to nor supporting the application.
- 3.22 The Ramblers do not object to the proposed diversion although they raise concerns about the barbed wire alongside A – D, the erosion of the new route D – E and drainage of the path E – F.
- 3.23 These issues have been discussed with the Guide Camp and owners of Castle Rings and officers consider that the problems have been resolved by the increase in width of the route A – D and vegetation clearance D – E. The concerns regarding drainage are discussed above.
- 3.24 The Ramblers feel that the new path will improve the experience for users if the issues raised are resolved.

Summary

- 3.25 The objections to the proposed diversion cover a wide range of matters, several of which are not applicable to Public Path Order legislation and some resulting from misinterpretation of the proposed diversion as set out in Drawing 18/02/1.

- 3.26 Issues relating to the path surface and fencing alongside the path have been resolved, with the assistance of the two affected landowners.
- 3.27 Officers consider that the overall impact of the diversion will increase the public enjoyment of the footpath, as the new path is a well-chosen route along the ramparts of the hillfort with excellent views over the river valley that are unavailable from the current public right of way. The footpath also increases understanding and appreciation of the hillfort.

4 Discussion

- 4.1 The proposed diversion is in the interest of the landowners. The new route will significantly improve privacy and security for both the Guide Camp and the owners of Castle Rings.
- 4.2 The termination points of Footpath 9 are unaffected by the proposed diversion.
- 4.3 The current route of Footpath 9, West Parley between A – B – C is approximately 244 metres long and the proposed new route from A – D – E – F – G – G1 – G2 – H – C is approximately 415 metres long. The proposed diversion will therefore increase the length of the footpath by approximately 171 metres.
- 4.4 However, when the proposed diversion is considered in context, the increase is less significant. Drawing 18/28 (attached as [Appendix 5](#)) shows the setting of Footpath 9 within the local area with connecting footpaths and roads. For example, the distance from X to Y via the current route of Footpath 9, West Parley is 963 metres, and the distance via the proposed new route is 1134 metres, an increase of 18%.
- 4.5 Overall, officers' view is that the increased length of the route would have no material effect on the enjoyment by the public of the route as a whole. The increased length of the route is balanced by the route following a more interesting and scenic path around the scheduled monument. The diversion would be beneficial to land currently served by the path. As an existing used route it would have no adverse effect on the land over which the new path runs and land held with it.
- 4.6 Officers consider that the proposed new footpath is more enjoyable for walkers as follows the ramparts of the hillfort and takes in an interpretation board and a viewpoint which enhances the experience of being on a hillfort.
- 4.7 The diversion will have no adverse effect on agriculture, forestry, flora, fauna and geological and physiological features.
- 4.8 The proposal affects the applicant's land and land belonging to Castle Rings, whose owners support the proposal. Given the route of the proposed diversion it is unlikely that compensation would be payable under Section 28 of the Highways Act 1980.
- 4.9 Some works will have to be carried out on the new route to improve it for public use:
- Vegetation clearance A – D to 3.8 metres

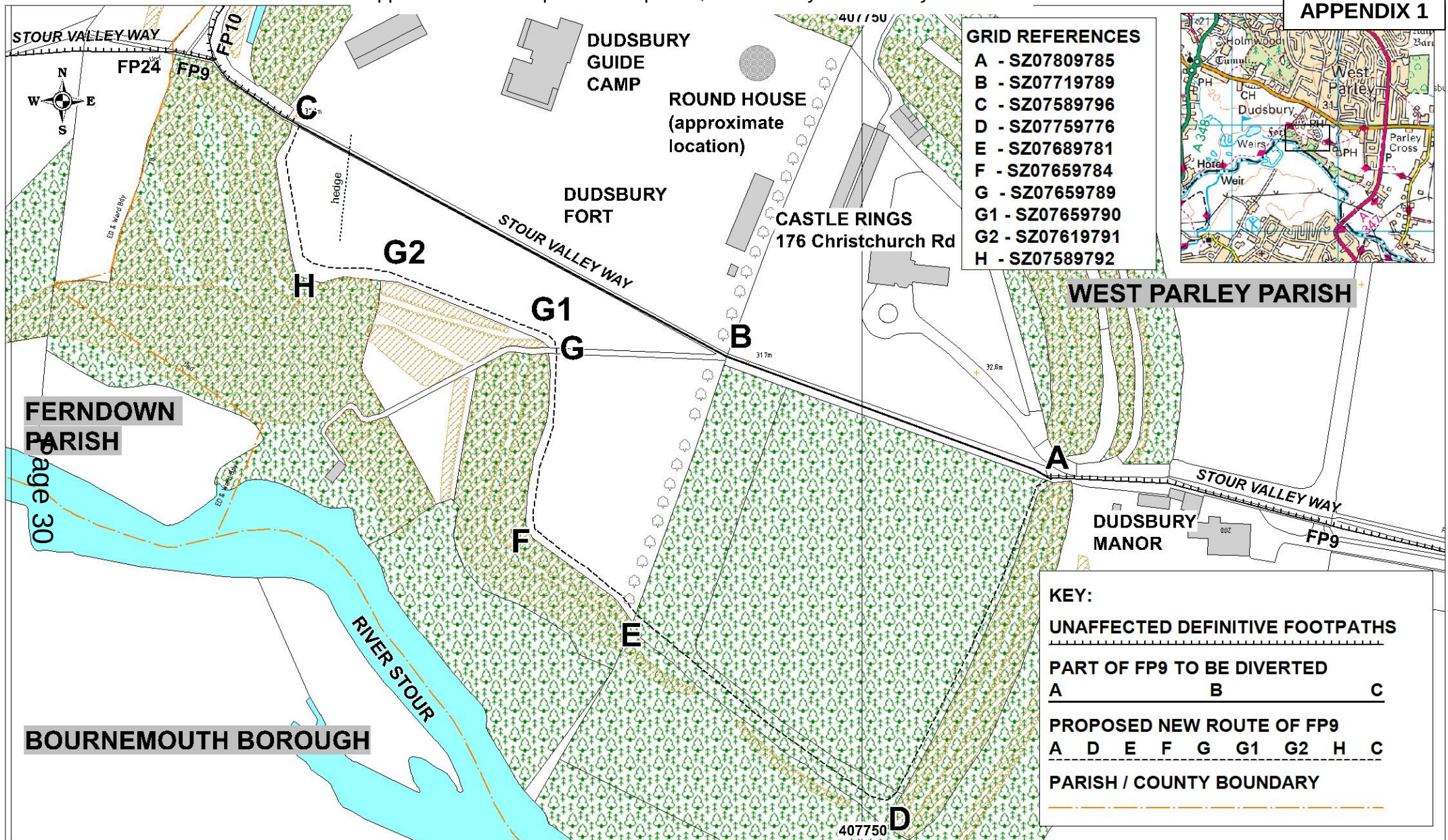
- Vegetation clearance D – E to 2 metres
 - Repositioning of fence alongside G1 – G2 to increase width of path to 4 metres
 - The works will be carried out and funded by the landowners.
- 4.10 The order will be confirmed only on completion of these works. If confirmed by the Secretary of State, the order will provide that the diversion is not effective until the works have been completed and certified.
- 4.11 In addition to the required works, the owners of Castle Rings have agreed to clear trees and vegetation to create a second viewpoint at a point between D and E, and to install an interpretation board for the Stour Valley Way, subject to the successful diversion of Footpath 9.
- 4.12 The order fulfils the following objectives in the Rights of Way Improvement Plan to improve Dorset's network of Public Rights of Way, wider access and outdoor public space:
- Theme 1.9 Ensure that the work of Dorset County Council and partners continues to protect and enhance Dorset's natural and cultural heritage
 - Theme 3.11 Seek opportunities to develop networks of paths and public outdoor space consisting of attractive, safe off-road routes enabling people of all ages, needs and abilities to walk/ride safely in and around their village/town, out to neighbouring settlements and into and about the wider countryside

5 Conclusions

- 5.1 The application to divert part of Footpath 9, West Parley meets the tests set out under the Highways Act 1980 as demonstrated above and therefore should be accepted and an order made.
- 5.2 The Order should include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion.
- 5.3 If there are no objections to a public path order, as the criteria for confirmation have been met the order should be confirmed.

Matthew Piles

Service Director, Environment, Infrastructure & Economy
January 2019



SECTION 119, HIGHWAYS ACT 1980
APPLICATION FOR A PUBLIC PATH ORDER
TO DIVERT PART OF FOOTPATH 9, WEST PARLEY AT DUDSBURY FORT

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

Ref: 18/02/1
 Date: 24/01/2019
 Scale 1:1500
 Drawn By: CAM
 Cent X: 407710
 Cent Y: 97874

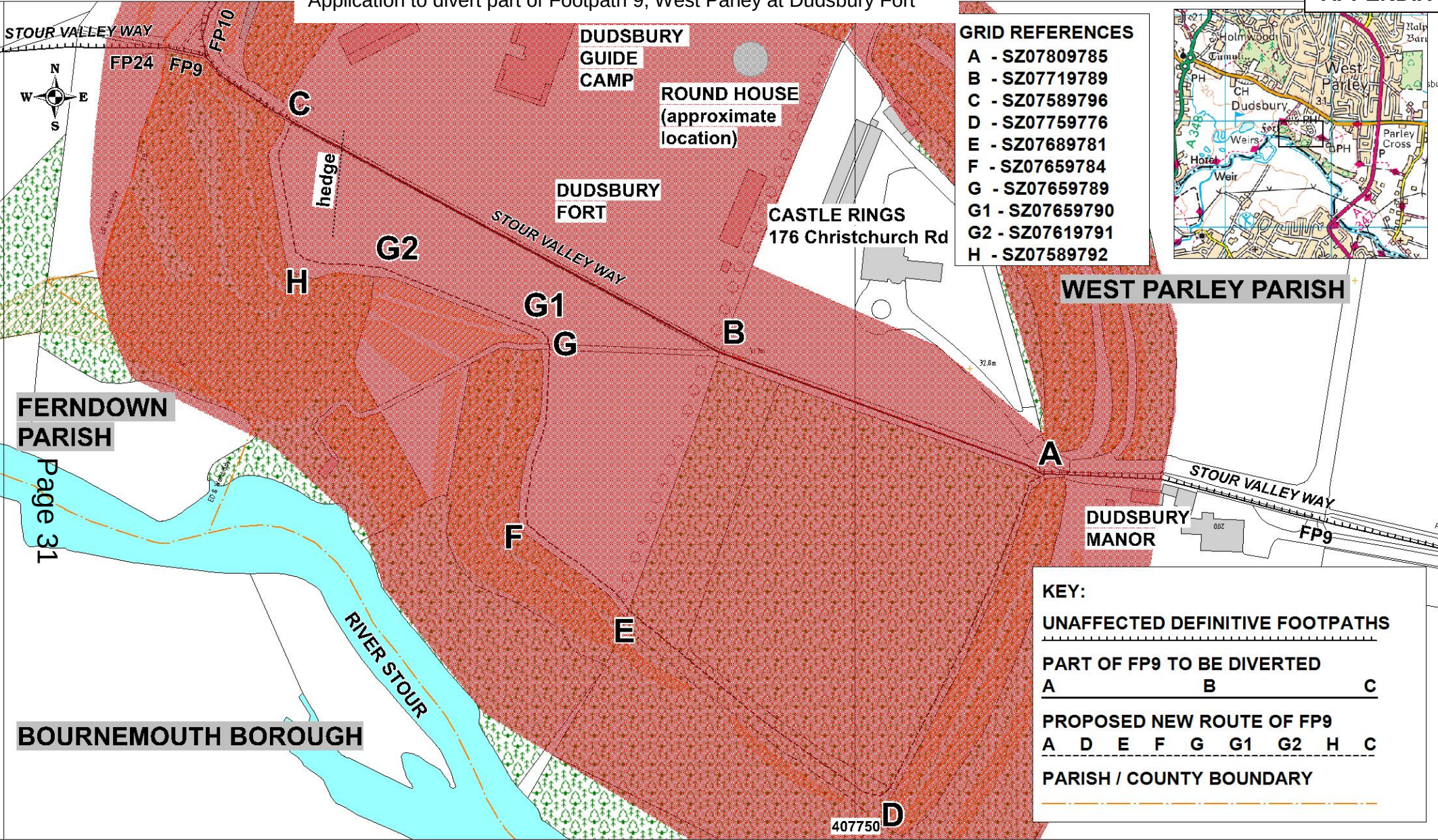
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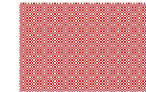
Dorset County Council

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Application to divert part of Footpath 9, West Parley at Dudsbury Fort



APPROXIMATE EXTENT OF SCHEDULED MONUMENT 1003583



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Ref: 19/02
Date: 24/01/2019
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Summary of consultation responses

Objecting to the proposed diversion:

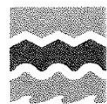
Name	Comments
HISTORIC ENGLAND	See objection in full - Appendix 4 Proposal affects scheduled monument 1003583 Dudsbury Camp. Appreciate reasons for proposal and aware of permissive path created with Historic England's agreement. Permanent diversion has implications for the scheduled monument that need to be resolved, including the exact position of the new route, fencing, path repairs and potential access to sensitive features vulnerable to erosion or unsocial activity. Supportive of a change to the western section of the path but concerns about the eastern section which it considers would have an adverse impact on the monument and on its public value. The new path may lead to the requirement for higher-security fencing for the neighbouring properties Castle Rings and Dudsbury Manor. Midway along the new route D – E is a sloping hollow (former stock entrance) making the path uneven and liable to erosion which may require ground maintenance or fencing in the future. Suggest an amended diversion A – B – G or A – B – F or similar.
WEST PARLEY PARISH COUNCIL	Object to diversion due to damage to historic monument, impact on Stour Valley Way, effect on heritage of the ancient site, reduced access to roundhouse built as a tourist attraction, path being closer to river bank and fenced with barbed wire, footpath crossing carcinogenic growth and general restriction of access for the public.
MR B	Objects because the proposed diversion does not appear to improve privacy for guide camp, extends length of the Stour Valley Way, moves the route to lower generally wetter ground. Feels that walks should not be inconvenienced to that owners of Castle Rings profit from diverting footpath thereby increasing the value of their property.
MR AND MRS W	DCC should not have the right to consider diverting ancient footpath that is part of the Stour Valley Way. New route is along a flood plain restricting public use. Existing route allows access to historic site including replica dwelling. Footpath does not disrupt or affect girl guide activities and is not an excuse to divert the existing route. Current path does not affect 176 Christchurch Road "which...is a Public House" and diversion could affect trade.

Supporting the proposed diversion

Name	Comments
CLLR ANDREW PARRY, MEMBER FOR FERNDOWN	Satisfied that the proposal is not detrimental to walkers since the public footpath is being altered not closed. The diversion maintains the rural, countryside ambience, and will strengthen safeguarding measures for the guide camp.
MR AND MRS C	Initial objection to diversion subsequently withdrawn. Have confirmed that they support the diversion.

Other responses received

Name	Comments
SOUTHERN GAS NETWORKS	Plan shows medium pressure mains
BT OPENREACH	No apparatus in area
WESSEX WATER	No comments, no infrastructure in area
CHRISTCHURCH AND EAST DORSET COUNCIL	Have consulted with Cllr Manuel (Portfolio Holder for Environment and Ward Member) and Cllr Parry (Ward Member) and have no objections to the diversion
THE RAMBLERS	No objection but comments; Barbed wire alongside A - D unnecessary / undesirable. Surface of path between D and E susceptible to serious erosion so substantial improvements needed. Drainage works needed E – F. If these issues are resolved the new path will improve the experience for users particularly the open views across the river.
DCC SENIOR ARCHAEOLOGIST	Routes affected cross Iron Age hillfort of Dudsbury Camp no 1003583 on the National Heritage List for England. Recommends consulting Historic England.
MR AND MRS B	Initial objection to diversion later withdrawn on condition that fence between G1 and G2 moved into the field to create a 4 metre wide footpath at this point.
MR AND MRS F	Initial objection to diversion later withdrawn on condition that fence between G1 and G2 moved into the field to create a 4 metre wide footpath at this point.



Historic England

Ms Carol McKay
Dorset County Council
Definitive Map Team
County Hall, Colliton Park
Dorchester
Dorset
DT1 1XJ

Direct Dial: 0117 975 0670

Our ref: P00818390

13 April 2018

Dear Ms McKay

SECTION 119, HIGHWAYS ACT 1980

PROPOSED DIVERSION OF FOOTPATH 9, WEST PARLEY AT DUDSBURY FORT

Your ref: CAM RW/P189

Thank you for your letter of 28 February 2018 regarding the above application. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The proposal, for changing the route of the public footpath through the Iron Age hillfort of Dudsbury Fort, will affect the scheduled monument designated as *Dudsbury Camp*, (National Heritage List no. 1003583). The path forms part of the Stour Valley Way, a long-distance walk which runs from Stourton in Wiltshire to Hengistbury Head in Dorset.

We appreciate the desire of the main property owners here to change the route of the path, which presently runs through the centre of the enclosed area within the ramparts, to a new line within the southern ramparts. We are also aware of the permissive path which the Bournemouth Guides have created within their landholding (with Historic England agreement), to a route inside the ramparts.

However, permanently changing the route of the footpath within the hillfort has potential implications for the scheduled monument, its fabric and its conservation management which need to be considered and resolved before a decision is made on changing the route of the path. The matters which need to be considered include the precise position of the route and its dimensions, any boundary works (such as fencing) that may ensue, the potential for path erosion and/or groundworks (including path repairs or ground levelling to improve access), and questions such as potential access which the path might give to sensitive features vulnerable to visitor erosion or unsocial activity.

1



Historic England, 29 Queen Square, Bristol BS14ND
Telephone 0117 975 1308 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



Recommendation

In view of the above considerations, we would like to register a formal objection at this stage in order that these issues might be addressed.

I would be grateful if you would keep us informed of any further notices and consultations on the proposal.

Meanwhile if you have any queries, please do not hesitate to get in touch.

Yours sincerely

Keith Miller

Ancient Monuments Inspector

E-mail: Keith.Miller@HistoricEngland.org.uk



Ms Carol McKay
Dorset County Council
Definitive Map Team
County Hall, Colliton Park
Dorchester
Dorset
DT1 1XJ

Direct Dial: 0117 975 0670

Our ref: P00818390

13 November 2018

Dear Ms McKay

SECTION 119, HIGHWAYS ACT 1980

PROPOSED DIVERSION OF FOOTPATH 9, WEST PARLEY AT DUDSBURY FORT

Your ref: CAM RW/P189

Thank you for your letter of 28 February 2018 regarding the above application. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

The proposal, for changing the route of the public Footpath 9 at West Parley will affect the scheduled monument of Dudsbury Camp Iron Age hillfort. The path forms part of the Stour Valley Way, a long-distance walk which runs from Stourton in Wiltshire to Hengistbury Head in Dorset. Permanently changing the route of the footpath within the hillfort has implications for the protection and conservation management of the scheduled monument and for its appearance and setting, and for public experience and appreciation of the monument. Whilst we are generally supportive of a change in the western section of the path, we have significant concerns about the eastern section of the proposed diversion, which we consider would have an adverse impact on the monument and on its public value. We therefore maintain our objection to the proposed diversion. We advise that a more modest diversion restricted to the western section would, in heritage terms, be acceptable.

We address these points in detail below. References in the letter to routes refer to the DCC map accompanying the consultation on the application for a public path order, ref. 18/02 dated 23.01.2018.

Historic England Advice

Summary of the heritage asset affected by the proposal

The proposal is for the diversion of the route of the public footpath as it passes through the Iron Age hillfort of Dudsbury Camp. The site is designated as a scheduled monument *Dudsbury Camp*, (National Heritage List no. 1003583).

Across much of Dorset, Iron Age hillforts are a key characteristic of the historic landscape. Their role was probably a mixture of military fort, communal centres and gathering places for trading and exchange, and for social, religious and ceremonial events. Their form, with often massive earthwork ramparts, combines both military function and display of social status. Dudsbury Camp, sited at the top of a steep riverside bluff dominating the lower Stour valley, is the first of an important series of Iron Age hillforts along the valley. Due to its size and position, it is the most prominent and significant historic landscape feature in the area. It consists of a D-shaped enclosure, with a single rampart on the south standing above a steep valley side, and larger concentric ramparts and ditches on the other 'landward' sides. Today the fort is encircled by a broad band of trees which extend across the fort's ramparts, with the interior a mixture of open field, residential property, and agricultural land now overgrown with young trees and scrub. The Stour Valley Way public footpath route (the subject of the present proposal) crosses through the monument, and the Ferndown, Stour and Forest Trail passes alongside. These public paths are very important in giving access to the monument and providing a range of views of the monument and its historic surroundings.

Dudsbury Camp's high heritage significance derives from the quality of its preservation and its potential archaeological evidence, the quality and form of its visible remains, its still legible landscape context and setting, and its good accessibility and communal use and value. These qualities also increase the sensitivity the monument to the impacts of new works and developments which alter the historic site or its setting. 'Works and developments' in the context of the present proposal here include activities and constructions arising from or connected with the use of paths which could alter the monument or impact on its heritage significance. Scheduled monuments are the highest national designation of heritage asset, and the protection of their heritage significance carries great weight in decisions on alterations affecting them. Any works or developments which could bring harm to the significance and public value of scheduled monuments through impacts to their sites or their settings requires a very high level of justification.

We understand the desire of the property owners here to change the route of the path which presently runs through the centre of the enclosed area within the ramparts to a new line within the southern ramparts. We are also aware of the permissive path which the Bournemouth Guides have created within their landholding to a route further south. However, the proposed permanent change to the public footpath has implications for the management and protection of the scheduled monument and for its appearance and setting, and for public experience and appreciation of the monument.

The existing and proposed footpath routes

The present official footpath runs west-east on the route CBA. The proposed diversion is the route CHGFEDA.

The western section of the existing official footpath CB runs in a straight line through land owned by the Bournemouth Girl Guides. The proposed diversion of the section of path on the Girl Guides' land would move it from the route CB across the open central area of the Girl Guides field, to a route CHGFE running around the

southern edge of the field and inside (on the north side of) the low southern rampart of the Iron Age hillfort.

The eastern section of the existing footpath BA runs in a straight line alongside (and outside of) the southern boundary of the house and garden at 'Castle Rings' 176 Christchurch Road. The path is contained here in a parcel of land south of the Castle Rings garden; both parcels are in the same ownership. The proposed diversion of this eastern section would move the path to a route (EDA) running around the south and east perimeter of the southern parcel, to join the line of the present path at A.

I shall take these western and eastern sections in turn.

Western section

The western section of the path CB runs across the central part of the open grassed field on the Guides land, which they use for camping and other activities. We understand the presence of the footpath through this field brings difficulties arising from occasional conflict of use between the Guides and some footpath users.

In 2015-16 the Guides discussed with Historic England their proposal to create a 'permissive path' along the southern edge of their field to encourage footpath users away from the centre of their site and a permissive path CHGFEB was agreed. The Guides subsequently created a path along the route CHGFE, with a low-key agricultural stock-fence alongside, and a public viewpoint and information board on the hillfort rampart at point H. We supported this initiative and approved the associated works, firstly, because the viewpoint and information board brought public benefits by providing public access to a particularly significant part of the monument, and enhanced public appreciation of its heritage significance. Secondly, the provision of a permissive path helped sustain the Guides' use of the land for camping and activities, and the alternative, fencing the path thorough the centre of the field, was unsatisfactory as it would limit the use of the field by the Guides and have undue impact on the scheduled monument. Importantly, these benefits were achieved without significant harm to the heritage significance of the monument.

The permissive path created by the Guides runs CHGFE, with a deliberately designed gap at G (the section EB was not pursued and the path is open at E). I understand that a few footpath users on the Girl Guides land presently use the official route CB, but most walkers use the route CHGB, which follows a 'desire line' from the gap in the fence at G to join the official path at B. This route effectively bypasses the southern corner of the Guides land. However, people also use the path in this southern area to access a viewpoint at F.

Eastern section

The proposed a full diversion CHGFEDA involves diverting the section BA which separates the dwelling Castle Rings and its strongly-fenced garden on the north side, from the adjoining southern parcel. This parcel, classed as agricultural land, and formerly pasture, has in recent years become disused and overgrown with trees and scrub. Both parcels (together with a further parcel to the south of ED) are in the same ownership and the property has recently changed hands.

The proposal here is to move the path to EDA around the parcel south of the Castle Rings garden, with a section at DA alongside the boundary with the Dudsbury Manor property to the east (on the DCC map the property is partly obscured by the key). Such a move would enable the Castle Rings garden and the adjacent southern area to be linked or consolidated into one parcel. The boundary to Castle Rings would then effectively be shifted outwards to BEDA.

Some walkers currently follow the south eastern route EDA, partly perhaps due to the lack of signage for the footpath route on this section, and the absence of fencing in much of the southern area. Also, the fencing alongside the southern path on the Guides' land at GFE channels walkers along this route. The majority of walkers, however, appear to use the official route BA.

A key heritage issue for the proposed diversion in the eastern section is the impact of new fencing on the scheduled monument. The proposed diversion EDA would involve increased impact from the amount of new fencing, and from the type of fencing, due to the new relationship of the proposed path with adjoining properties. The diversion would increase the length of footpath and associated path-side boundary adjoining the private properties here, around the southern Castle Rings parcel and alongside the Dudsbury Manor residential property east of the line DA. I understand from the owners at Castle Rings and at Dudsbury Manor that security is a concern and that there have been several intrusions at both properties in the last year or so via paths and the southern area. This has already led to the erection of higher-security fencing and gates on the boundaries to the formal and informal paths at these properties.

A new path along EDA would increase the vulnerability of the adjoining properties to unauthorised intrusion. The path would have limited visibility from other sections of the path itself, compared with the present straight section BA, and would mostly not be overlooked from the houses at Castle Rings and Dudsbury Manor. (The boundary at DA runs alongside an earth rampart on the Dudsbury Manor property which blocks views, and, whilst the house here is close by, it does not overlook the path). Moreover, large new housing developments are planned to take place over the next few years in the area around Dudsbury Camp. This will undoubtedly bring increased footfall, and with it increased pressure for stronger boundary fencing along the sections of path which border, or give direct or indirect access to, residential properties.

From the heritage perspective, Historic England has to take account of the implications of the additional fencing required to flank the proposed diversion route EDA, and the fact that boundaries here are likely to require higher security fencing due to increased security concerns.

In addition, midway along the section of the proposed route ED is a sloping hollow representing a former stock entrance, which in practical terms makes the route here uneven and liable to path erosion, and which is likely to require special treatment in the form of ground maintenance, fencing and/or a small diversion.

Historic England position

We have closely considered the application and do not support the proposed diversion due its overall impact on Dudsbury Camp scheduled monument.

We consider that the section EDA will lead to a significant increase in impact from fencing on the monument. The amount of fencing would be increased, and account needs to be taken of the potential need for more substantial fencing to provide higher security where it borders residential property or adjoins land which would provide access to those properties.

Overall, the impact of a new path at EDA, especially from additional boundary fencing required, would have an adverse and harmful impact on the monument and its setting and appearance, and on the public amenity and experience of the heritage asset.

In addition, a sloping section between E and D midway along the section of the proposed route ED is likely to require special treatment in the form of ground maintenance, fencing and/or a small diversion, which again would impact on the monument.

Also, from the perspective of the heritage conservation management of the monument, the present historic footpath line BA clearly demarcates the domestic garden at Castle Rings from the agricultural land to the south. This distinction is part of the historic character of the site and enables a clear strategy for conservation management of the different land parcels within the scheduled monument.

After close consideration, we object to the diversion currently proposed, due to the adverse impacts of the proposed section EDA.

However, we are generally supportive of a diversion in the western section on the Guides' land. A diversion from the existing route BC on the Guides land would be acceptable to Historic England, in as much as it sustains the Guides' continued use of the land for camping and group events, and provides public viewpoints from the southern rampart. And, importantly, it achieves this without significant or adverse changes to the site and appearance of the scheduled monument and without compromising or affecting residential properties or landholdings.

We appreciate that the route CHGFEB is rather circuitous, and we would have no objection to an amended route in the south east section on the Guides' land, linking more directly to B. This might, for instance, follow the current 'desire line' at GB, or a line from F to B or to a point between E and B. Whilst the latter (from point F or E) would be fairly circuitous, it would be alongside open ground and well-overlooked and in overall terms relatively short. Any new fencing here, similar to that already erected, would have a low heritage impact on the monument.

The path would then join the existing east-west section at B to A, which would remain as at present, running between the Castle Rings garden and the land to the south. We appreciate that this would potentially require higher security fencing alongside the Castle Rings garden, consistent with that already erected elsewhere around the garden.

In terms of public experience of the heritage asset of Dudsbury Camp, this recommended option for a footpath diversion on the Guides' land, with the eastern Castle Rings section staying as it is, would in practical terms provide a relatively straightforward, level, open and well-overlooked route, and in overall heritage terms would combine experience of the interior enclosure of the fort and of the outer southern rampart overlooking the valley. Importantly, in terms of scheduled monument conservation, this option would achieve these benefits without significant or adverse changes to the site and appearance of the scheduled monument.

In relation to Dudsbury Camp we consider that, if there is to be a footpath diversion, this would be the most viable and beneficial option.

Recommendation

Historic England objects to the proposed footpath diversion due to the adverse impacts of the proposed section EDA, outlined above, and recommends refusal.

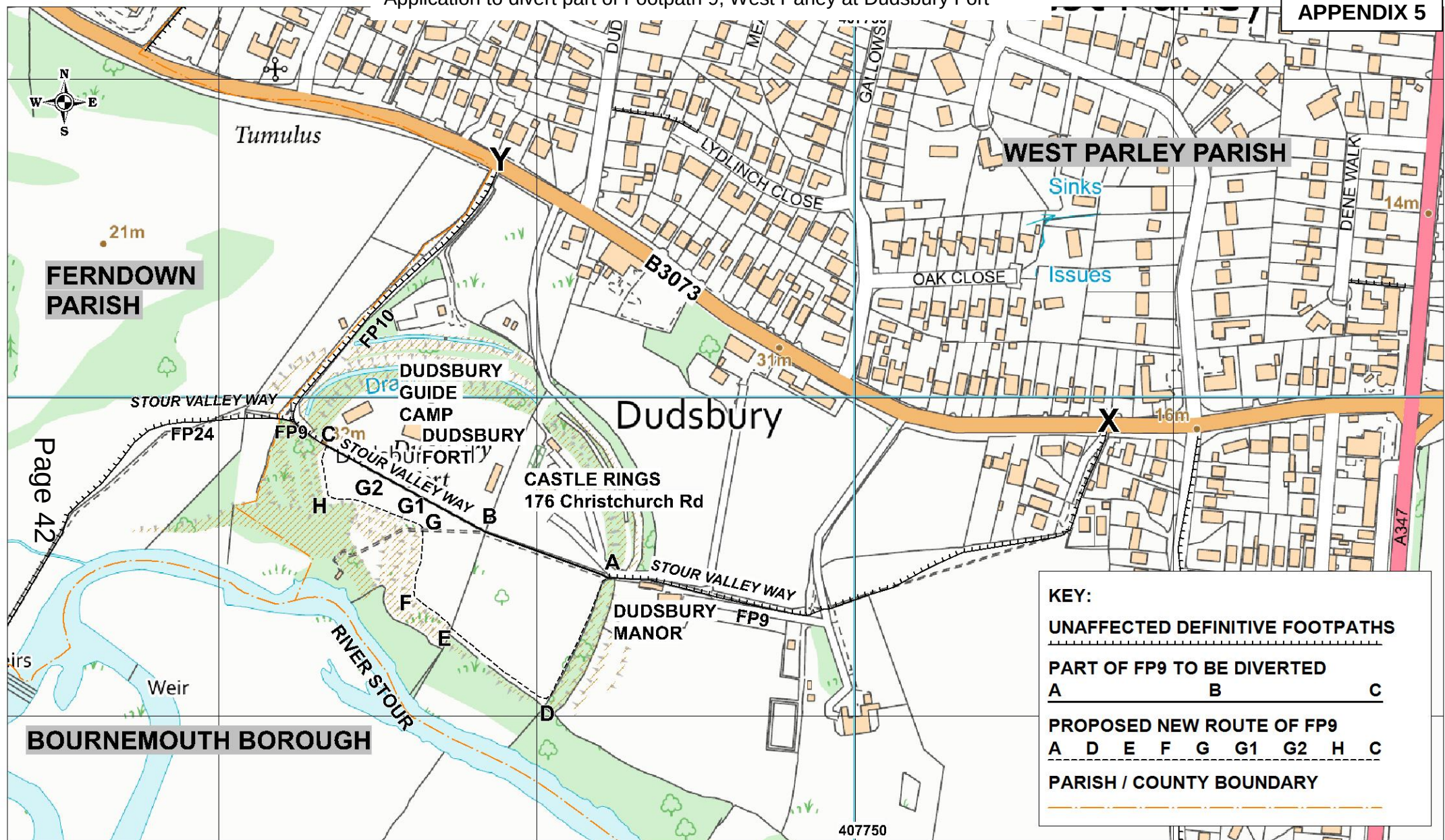
We advise that a diversion of the western section on the Guides land, as described above, would be acceptable to Historic England.

Yours sincerely

Keith Miller

Ancient Monuments Inspector

E-mail: Keith.Miller@HistoricEngland.org.uk



OVERVIEW OF FOOTPATH 9, WEST PARLEY AT DUDSBURY FORT

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

Ref: 18/28
 Date: 24/01/2019
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Selected photographs of proposed new route

Interpretation board at point H



Viewpoint at point F



Proposed new route between A – D looking south west with barbed wire on the left. The width of this section of the path is 3.8 metres





Archery Team

Liz Taylor Archery Instructor

ADDRESS REDACTED

Sue Webb, Warden
Dudsbury Guide Site
Christchurch Road, West Parley
BH22 5SS
27th July 2017

Dear Sue

REF: Dogs Running Free on the Archery Range

I write with reference to the archery session I ran on Thursday 27th July, where I had brownies shooting arrows on the archery range. They were having a great time until a big golden Labrador came running onto the field and into the range.

There was no owner close at hand to supervise the dog or to call it away, fortunately the girls put their bows and arrows down when instructed and we waited for the dog owner to arrive.

I did shout out "Whose dog is this" but no reply came and the lady ambled out of the woods the dog was called several times before it took any notice.

There could have been a very nasty incident, I wonder if the lady would have been so lethargic if her dog had an arrow in it!!

Is there any way we can ensure the dogs are kept on a lead and that the public do not walk straight across the field, but use the new temporary path.

I am unhappy about running archery in the field if this is going to happen again

I look forward to hearing from you

Liz

Liz Taylor

County Archery Instructor



Liz Taylor

47th Bournemouth Guides

ADDRESS REDACTED

Sue Webb, Warden
Dudsbury Guide Site
Christchurch Road, West Parley
BH22 5SS
Dec 5th 2018

Dear Sue

Ref: Dogs on the field

I find myself writing to you again to complain about dogs on the field, on Friday evening 2nd Dec 2018, Tesco were trying to bring their delivery van onto the site to deliver my order ready for the Christmas craft weekend.

Two ladies with their dogs were walking across the field...not on any path but their won, they seemed to think this was acceptable. The two dogs were running everywhere, how they didn't get run over I don't know.

I asked the ladies to call the dogs and put them on a lead, but they failed to do this.

I really do feel we should have more signage about the correct footpath and signs to say dogs should be on a lead.

I look forward to hearing from you

Yours Sincerely

Liz

Liz Taylor Leader

47th Bournemouth Guides

NAME REDACTED

ADDRESS REDACTED

15th September 2017.

Dear Sue,

I just wanted to make you aware of some of the issues we encountered on our pack holiday during the summer term.

The house was fine and the girls who were away from home for the first time really enjoyed the dorms. It was the outside space that threw up some problems, most notably the unleashed dogs! One Brownie was knocked over completely by an over excitable Labrador. Despite the owners protestation that "he's only playing" the little girl was deeply shocked and didn't really join in for the rest of the weekend. I found myself a little short of answers when her mum was asking me, not only why dogs were free to roam on the site but why were complete strangers at liberty to do so as well?

Although Dudsbury provides an authentic guiding holiday experience I would have serious reservations about bringing my Brownies on holiday again, not least because one of my young leaders trod dog mess into the house, but mainly because of the lack of security around the site. I don't feel able to let the girls play free, when I have no idea who else may be roaming around. I think some signage and fencing might discourage members of the public from cutting straight across the field.

Yours in Guiding

NAME REDACTED

Leader 44th Rosebery Park Brownies.

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Regulatory Committee

Dorset County Council



Date of meeting	28 February 2019
<u>Local Member</u> Cllr Cherry Brooks - Member for South Purbeck <u>Lead Officer</u> Matthew Piles, Service Director, Environment, Infrastructure & Economy	
Subject of report	Application for a public path order to divert part of Footpath 34, Corfe Castle
Executive summary	This report considers an application to divert part of Footpath 34, Corfe Castle at Corfe Castle Primary School as shown on Drawing 18/26/1. Corfe Castle Primary School is owned by Dorset County Council. As a matter of practice, Public Path Order applications affecting Dorset County Council owned land, whether or not objections are received to the pre-order consultation, are considered by the Regulatory Committee.
Applicant	Dorset County Council (Estate and Assets)
Impact Assessment:	Equalities Impact Assessment: There is no furniture on the proposed route. The gradient and surface of the new route meet Dorset County Council's standards for new footpaths.
	Use of Evidence: The applicant consulted the local Parish Council and key user groups before submitting the application in order to establish whether the proposals would have support. A full consultation exercise was carried out in November / December 2018 involving user groups, local councils, those affected and anyone who had already contacted Dorset County Council regarding this application. The County Councillor for South Purbeck, Cllr Cherry Brooks, was also consulted. In addition notices explaining the application were erected on site. Comments received are discussed in this report.

	Budget : The applicant has agreed to pay in accordance with the County Council's usual scale of charges and also for the cost of advertising the Order and subsequent Notice of Confirmation. The law does not permit the County Council to charge the applicant for the cost of obtaining confirmation by the Secretary of State if an Order is the subject of an objection.
	Risk Assessment: Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as: Current Risk: LOW Residual Risk: LOW
	Other implications: Sustainability – The proposal will not have any effect on carbon emissions and supports alternative methods of travel to the car. Use of public rights of way promotes a healthy balanced lifestyle. Property and Assets - The proposal will improve land management of the School by moving a public right of way out of an enclosed hard court. Voluntary Organisations - n/a Public Health/Physical Activity - Improvements to the public rights of way network benefit public health by increasing opportunities for walking. Community Safety - n/a
Recommendations	That: (a) The application to divert part of Footpath 34, Corfe Castle from V1 – V – W – X – Y to Z – Y be accepted and an order made; (b) The Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion; and (c) If the Order is unopposed, or if any objections are withdrawn, it be confirmed by the County Council without further reference to the Committee.
Reasons for Recommendations	(a) The proposed diversion meets the legal criteria set out in the Highways Act 1980. (b) The inclusion of these provisions in a public path order means that there is no need for a separate legal event order to modify the definitive map and statement as a result of the diversion.

	(c) Accordingly, the absence of objections may be taken as acceptance that the proposed new route is expedient and therefore the County Council can itself confirm the order. Decisions on applications for public path orders ensure that changes to the network of public rights of way comply with the legal requirements and supports the Corporate Plan 2017-19 Outcomes Framework: People in Dorset are Healthy: • To help and encourage people to adopt healthy lifestyles and lead active lives • We will work hard to ensure our natural assets are well managed, accessible and promoted. Dorset's economy is Prosperous: • To support productivity we want to plan communities well, reducing the need to travel while 'keeping Dorset moving', enabling people and goods to move about the county safely and efficiently Before confirming a public path creation, diversion or extinguishment order a council or the Secretary of State must have regard to any material provision of a rights of way improvement plan prepared by the local highway authority. Dorset's Rights of Way Improvement Plan sets out a strategy for improving its network of Public Rights of Way, wider access and outdoor public space.
Appendices	1 - Drawing 18/26/1 2 - Summary of consultation responses
Background Papers	The file of the Service Director, Highways and Emergency Planning (ref. RW/P157)
Officer Contact	Carol McKay Definitive Map Technical Officer Planning and Regulation Team, Tel: (01305) 225136 email: c.a.mckay@dorsetcc.gov.uk

1 Background

- 1.1 The County Council has received an application from the Estate and Assets service within Dorset County Council to divert part of Footpath 34, Corfe Castle as shown on Drawing 18/26/1 attached as Appendix 1.
- 1.2 Following planning permission for and construction of an enclosed hard court at Corfe Castle Primary School, it was identified that Footpath 34 needed to be diverted. Due to time constraints it was not possible to divert the footpath under the Town and Country Planning Act 1990.
- 1.3 It is therefore necessary to divert Footpath 34 under the Highways Act as the route is now obstructed.
- 1.4 In practice there are several public footpaths through the playing fields and a usable route has always been available.
- 1.5 An initial proposal to divert Footpaths 34 and 35 (consulted on in November 2015) was revised following objections.
- 1.6 A second consultation was carried out in March 2016 on a revised proposal to divert Footpath 34, Corfe Castle.
- 1.7 The revised proposal received objections from the Open Spaces Society and Corfe Castle Parish Council.
- 1.8 A third consultation was carried out in November / December 2018.
- 1.9 The current proposal to divert Footpath 34, Corfe Castle is shown on Drawing 18/26/1 attached as Appendix 1.
- 1.10 The current definitive route of Footpath 34, Corfe Castle runs from its junction with Footpath 19, Corfe Castle at point V1 to point V then through the Castle Inn's car park and garden to point W where it enters the school playing field, through a fenced hard court to point X and continuing to point Y where it joins Footpath 35.
- 1.11 The section of Footpath 34 between points V1 and V is also recorded as part of Footpath 19 and therefore the proposed diversion will resolve this instance of dual recording.
- 1.12 The proposed new route of Footpath 34 is 2 metres wide and runs from its junction with Footpath 19 at point Z, along the eastern edge of the hard court to point Y where it joins the existing routes of Footpath 34 and Footpath 35.
- 1.13 The footpath crosses land owned by Corfe Castle Primary School and The Castle Inn public house.
- 1.14 The proposed diversion is beneficial to both affected landowners as the current footpath crosses the corner of the Castle Inn's garden and car park and is obstructed by an enclosed hard court in the school's playing fields.

2 Law

Highways Act 1980

- 2.1 Section 119 of the Highways Act 1980 allows a footpath or bridleway (or part of one) to be diverted in the interests of the landowner, lessee or occupier or of the public, subject to certain criteria.
- 2.2 A diversion cannot alter the termination point of the path if the new termination point: -
- (i) is not on a highway; or
 - (ii) (where it is on a highway) is otherwise than on the same highway or a connected highway, which is substantially as convenient to the public.
- 2.3 A public path diversion order cannot be confirmed as an unopposed order unless the County Council are satisfied that, in the interests of the owner, lessee or occupier or of the public:
- (a) the diversion to be effected by it is expedient;
 - (b) the diversion would not result in a path that is substantially less convenient to the public;
- and that it is expedient to confirm the order having regard to:
- (c) the effect the diversion would have on public enjoyment of the footpath as a whole;
 - (d) the effect the diversion would have on other land served by the footpath; and
 - (e) the effect on the land over which the diversion will run and any land held with it.
- 2.4 Section 29 of the Highways Act 1980, as amended by Section 57 of the Countryside and Rights of Way Act 2000, says that when making diversion orders the County Council must have regard to the needs of agriculture, forestry and nature conservation and the desirability of conserving flora, fauna and geological and physiographical features. "Agriculture" includes the breeding and keeping of horses.
- 2.5 Section 119(3) of the Highways Act 1980 as amended by the Countryside and Rights of Way Act 2000 provides that the extinguishment of the existing public right of way "is not to come into force until the local highway authority for the new path or way certify that the work has been carried out".
- 2.6 The County Council may itself confirm the order if it is unopposed. If it is opposed it may be sent to the Secretary of State for confirmation.

Wildlife and Countryside Act 1981

- 2.7 Section 53A of the Wildlife and Countryside Act 1981 enables provisions to amend the definitive map and statement required by virtue of a diversion order to be included in the diversion order instead of being the subject of a separate legal event order.

Human Rights Act 1998 – Human rights implications

- 2.8 The provisions of the Human Rights Act and principles contained in the Convention of Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols of particular relevance are:
- Article 8 - Right to respect for private and family life
- The First Protocol, Article 1 - Protection of Property.
- 2.9 When considering whether it is expedient to make the order a council must have due regard of any argument put forward by an adjoining landowner that their rights under Article 8 and Article 1 of the First Protocol would be infringed.
- 2.10 Section 28 of the Highways Act 1980 provides that a person with an interest in land affected by the consequence of the coming into operation of a public path order can make a claim for compensation for the depreciation of land value or damage suffered by being disturbed in his enjoyment of land.
- 2.11 Rights of Way Improvement Plan
- 2.12 Dorset County Council's Rights of Way Improvement Plan (ROWIP) is a statutory document setting out a strategy for improving its network of Public Rights of Way, wider access and outdoor public space.
- 2.13 Before confirming a public path creation, diversion or extinguishment order a council or the Secretary of State must have regard to any material provision of a rights of way improvement plan prepared by the local highway authority.
- 2.14 Five themes have been identified for improving access in Dorset of which the following are particularly relevant to the present case and should be considered in relation to this application:

Theme 1: The ROWIP's links with other strategies

- Theme 1.6 Improve accessibility of the network

3 Compliance with the law

- 3.1 The proposed diversion is in the interest of the landowners due to the obstructions along the route.
- 3.2 The south eastern termination point of Footpath 34 is unaffected. The north western termination point will be moved from point V1 at its junction with Footpath 19 and East Street to point Z, approximately 90 metres east, maintaining its connection with Footpath 19.
- 3.3 If the order is unopposed the order should be confirmed as the diverted route is expedient and would not result in a path that is substantially less convenient to the public.

- 3.4 Accordingly, the current route of Footpath 34 between V1 – V – W – X – Y is approximately 123 metres in length and the proposed new route between Z – Y is approximately 77 metres. This change reduces the overall length of footpath for walkers continuing to the east via Footpath 19, but increases it slightly for those walking west via Footpath 19.
- 3.5 The diversion would have no effect on the enjoyment by the public of the route as a whole and would be beneficial to land currently served by the path. As an existing used route it would have no adverse effect on the land over which the new path runs and land held with it.
- 3.6 The diversion will have no adverse effect on agriculture, forestry, flora, fauna and geological and physiographical features.
- 3.7 In addition to the applicant's land, the diversion affects land belonging to the Castle Inn, whose owners have agreed to the proposals and therefore no compensation is payable under Section 28 of the Highways Act 1980.
- 3.8 No works are needed to improve the proposed diverted route for use by the public.
- 3.9 The order fulfils the following objectives in the Rights of Way Improvement Plan to improve Dorset's network of Public Rights of Way, wider access and outdoor public space:
- Theme 1.6 Improve accessibility of the network
- 3.10 Therefore, if no objections are received the Order should be confirmed by the County Council.

4 Consultation

- 4.1 The County Councillor for South Purbeck, Cllr Cherry Brooks, was consulted on the application and made no comment.
- 4.2 A summary of consultation responses is included in Appendix 2.
- 4.3 No objections have been received.

5 Conclusions

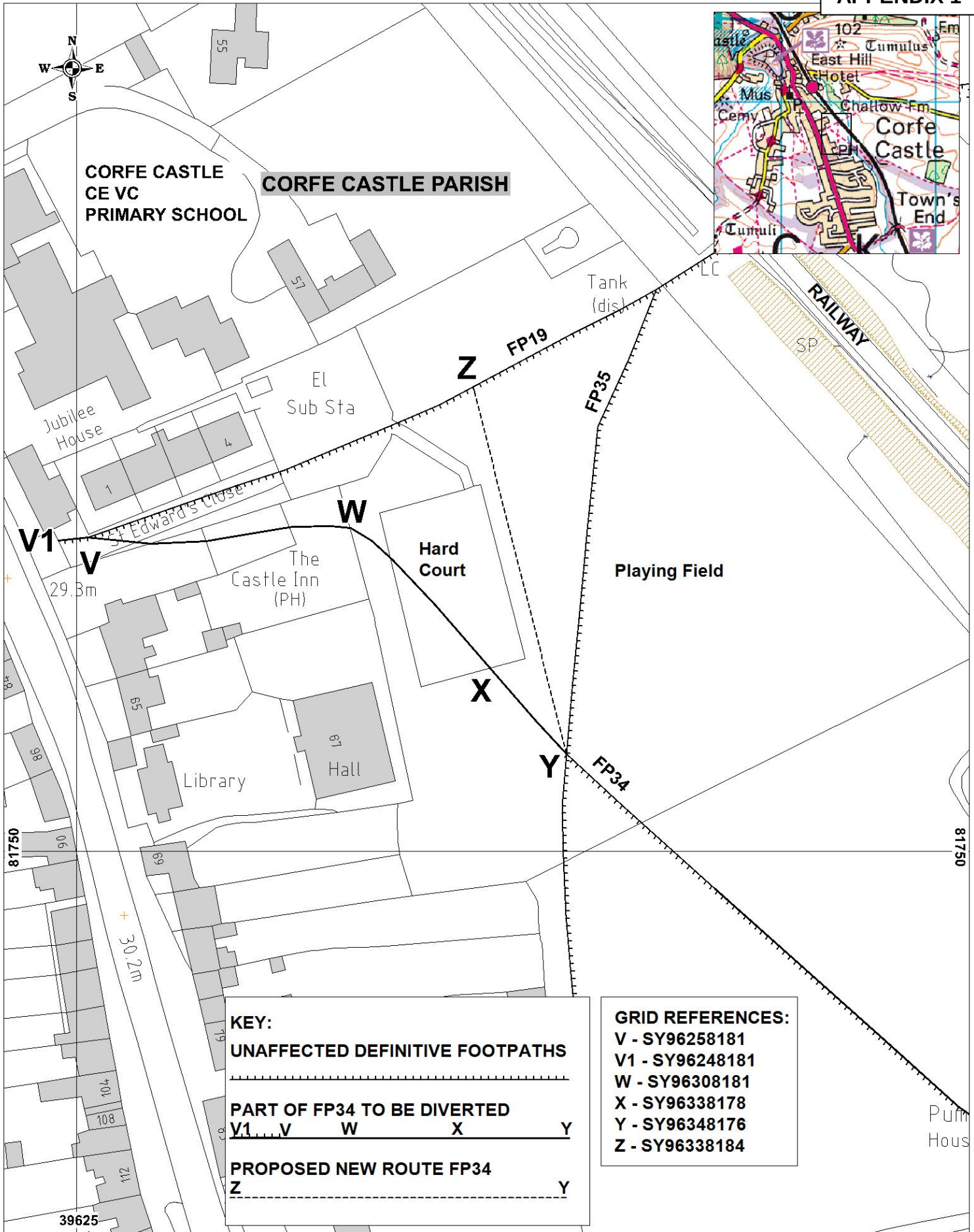
- 5.1 All Public Path Order applications affecting Dorset County Council owned land, whether or not objections are received to the pre-order consultation, must be considered by the Regulatory Committee, in the interests of transparency.
- 5.2 The application to divert part of Footpath 34, Corfe Castle meets the tests set out under the Highways Act 1980 and therefore should be accepted and an order made.
- 5.3 The Order should include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion.

- 5.4 If there are no objections to a public path order, as the criteria for confirmation have been met the order should be confirmed.

Matthew Piles

Service Director, Environment, Infrastructure & Economy

February 2019



SECTION 119, HIGHWAYS ACT 1980
APPLICATION FOR A PUBLIC PATH ORDER
TO DIVERT FOOTPATH 34 CORFE CASTLE

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

Ref:18/26/1
Date: 15/01/2019
Scale 1:1000
Drawn By: CAM
Cent X: 396333
Cent Y: 81797

GEOGRAPHICAL INFORMATION SYSTEMS

Dorset County Council

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Summary of consultation responses

Name	Comments
Corfe Castle Parish Council	Have considered the revised plans and are happy with the proposed diversion.
The Ramblers	No objection to the proposed diversion, subject to the path remaining unfenced. Reports an obstruction on Footpath 34 and requests it be cleared before any Order is made. OFFICER COMMENT: There are no proposals for the new route of Footpath 34 to be fenced and it would be impractical to do so through the middle of the playing field. However, it is not possible to impose a restriction on fencing rights of way in a diversion order. With regards to the obstruction of Footpath 34, this has been passed to the Senior Ranger for action, but it is on the unaffected part of Footpath 34 and at the boundary of the applicant's land and therefore not within the scope of the proposal.
Open Spaces Society	Supports the proposal.
Senior Ranger, Dorset County Council	Supports proposed diversion which will enhance the route for the public and increase convenience for users

Regulatory Committee

Dorset County Council



Date of Meeting	28 February 2019
Officer	Head of Planning
Subject of Report	To consider planning application 6/2018/0567 for the installation of a new Power Generation Plant, incorporating 2 no. 12MW gas engines within an engine hall; selective catalytic reduction units; waste heat recovery units incorporated within 2 no.15.2 M exhaust stacks and associated works at Wytch Farm Gathering Station. Decommissioning of 2 no. existing gas turbines and waste heat recovery unit.
Executive Summary	This application seeks permission for the installation of a new Power Generation Plant, incorporating 2 no. 12MW gas engines within an engine hall; selective catalytic reduction units; waste heat recovery units incorporated within 2 no.15.2 M exhaust stacks and associated works at Wytch Farm Gathering Station. The report recommends approval of the application subject to planning conditions.
Impact Assessment:	Equalities Impact Assessment: This report concerns the determination of an application for planning permission and not any changes to any new or existing policy with equality implications.
	Use of Evidence: The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy, legislation and guidance, representations and all other material planning considerations as detailed in the main body of the report.
	Budget: Generally the determination of applications will not give rise to any budget implications for the Committee.
	Risk Assessment: As the subject matter of this report is the determination of a planning application the County

	Council's approved Risk Assessment methodology has not been applied.
	Other Implications: None
Recommendation	That planning permission be granted subject to the conditions set out in paragraph 9.1 of this report.
Reason for Recommendation	As set out in paragraphs 6.28-6.31 of this report.
Appendices	1. Location Plan (Figure 1) 2. Site Plan (Figure 2) 3. Elevations (Figures 5, 6, 7, 8 and 9)
	Planning application file reference – 6/2018/0567
Report Originator and Contact	Name: Rob Jefferies Tel: 01305 224279 Email: r.w.jefferies@dorsetcc.gov.uk

1. Background

- 1.1 In July 2017 the Mineral Planning Authority (MPA) granted planning permission for 39 planning applications (collectively known as PA2 applications) to extend the operational life of the Wytch Farm oilfield beyond 2016 to 2037. The other planning permissions most relevant to this current proposal include 6/1986/0155 (To construct extensions to and modify the existing gathering station) and 6/2011/0485 (Variation of Condition No.2 of Planning Permission 6/1986/0155 to substitute Perenco UK Limited for BP Petroleum Development Limited).
- 1.2 The current application was accompanied by an Environmental Statement and requires Environmental Impact Assessment.

2. Site Description

- 2.1 The application site comprises an irregularly shaped area of 0.63 hectares of land within the wider Wytch Farm Gathering Station site. The Gathering Station occupies 12.4 hectares of land located approximately 2.5km to the north of Corfe Castle village and represents the centre of the oilfield operations. It comprises a range of facilities principally connected with oil and gas processing, LPG storage, seawater treatment and water injection at Wytch Farm Oilfield. The site also contains management and control facilities, workshops, offices and car parking.
- 2.2 The Gathering Station is surrounded by a land management area within which trees and other vegetation is are managed to screen the site from surrounding viewpoints. The land management area abuts some areas of land designated as Rempstone Heaths SSSI, Dorset Heathlands SPA, Dorset Heaths SAC and Dorset Heathlands Ramsar. The application site lies about 150 metres from these at its closest point. The site is located within the Dorset Area of Outstanding Natural Beauty and Heritage Coast.
- 2.3 Vehicular access is provided principally via a purpose-built dedicated private road from the A351 at Norden roundabout.

3. The Proposal

- 3.1 The application proposes the installation of a 24MW Gas Engine Power Generation Plant, comprising two Gas Engines and two Waste Heat Recovery Units.
- 3.2 The proposed Power Generation Plant would be located adjacent to the southern operational boundary of the South Site Gathering Station in an area that does not currently have any plant within it.
- 3.3 The purpose of the development is to generate more electricity on-site. The application states that this would reduce the significant ongoing costs associated with importing electricity and also have additional benefits in terms of greater energy efficiency and self-sufficiency. The existing Gas Turbines are approximately 30% efficient and do not currently represent best practice for onsite power generation. The application states that the Gas Turbines are also ageing and becoming less reliable. It is proposed that the existing gas turbines would be decommissioned.
- 3.4 The two proposed Gas Engines would be housed within a building (The Engine Hall) approximately 32m x 17m and 12.34m high. Two proposed

exhaust stacks would extend 15.2m above the existing ground level of the gathering station. They would be located external to the building, as would the radiator cooling fan array. Waste Heat Recovery Units are incorporated into the exhaust stacks and a radiator cooling fan array would be located on the roof of the building, surrounded by a louvered screen. Two ventilation outlets from the Engine Hall would protrude from the top of the building up to 13.5m.

- 3.5 Additional proposed associated infrastructure includes a new grid gas connection; an extension to an existing pipe-rack carrying pipes and cabling; and high-voltage cabling buried within the ground to connect to the existing high-voltage sub-station.

4. Consultations and Representations

The application was advertised on site and in the local press.

4.1 **Purbeck District Council:**

No objection

4.2 **Purbeck District Council Environmental Health:**

No objection

4.3 **Corfe Castle Parish Council:**

No objection.

4.4 **Highway Liaison Engineer:**

No objection.

4.5 **DCC Senior Ecologist:**

Advises that the project requires consideration under the Conservation of Habitats and Species Regulations, 2017, to ensure that effects on the integrity of the relevant European sites and underlying SSSI units are considered. As long as the conclusions of the Appropriate Assessment are satisfactory there are no other ecological issues with the proposals.

4.6 **DCC Landscape Officer:**

No comment.

4.7 **Dorset AONB Team:**

Comment that they have reviewed the LVIA and agree with the conclusion that the application will not produce significant adverse impacts on the character and appearance of the area. Consequently, no objection is raised to the proposal.

4.7 **Environment Agency:**

No objection subject to conditions.

4.8 **Natural England:**

No comment on the application but comments received on the Habitats Regulations Assessment.

5.0 Planning Policy Framework

- 5.1 Applications for planning permissions must be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise. The term '*other material considerations*' is wide ranging

but includes national and emerging planning policy documents.

5.2 The Development Plan

For minerals developments the relevant development plan includes the Bournemouth Dorset and Poole Minerals Strategy (adopted May 2014) [BDPMS], the remaining saved policies of the Dorset Minerals & Waste Local Plan (originally adopted April 1999) and the policies contained in the Purbeck Local Plan (adopted 2012). The most relevant development plan policies from the statutory Development Plan are:

Bournemouth, Dorset and Poole Minerals Strategy (May 2014)

- Policy SSI - Presumption in favour of sustainable development.
- Policy CC1 – preparation of Climate Change assessments
- Policy HY2 – Proposals for Production Facilities and Ancillary Development
- Policy HY4 – Decommissioning and Restoration of Production Facilities and Ancillary Development
- Policy RS1 - Restoration, Aftercare and Afteruse of Minerals Development.
- Policy DM1 - Key Criteria for Sustainable Minerals Development.
- Policy DM2 - Managing Impacts on Amenity.
- Policy DM3 - Managing Impacts on Surface Water and Ground Water Resources.
- Policy DM4 - Protection and Enhancement of Landscape Character and the Countryside.
- Policy DM5 - Biodiversity and geological interest.
- Policy DM7 – The Historic Environment
- Policy DM8 - Transport and Minerals Development.
- Policy DM10 - Planning Obligations.

5.3 Purbeck Local Plan Part 1 Planning Purbecks Future (2012) (Purbeck Local Plan - PLP)

- Policy CO Countryside.
- Policy BIO Biodiversity & Geodiversity.
- Policy IAT Improving Accessibility and Transport.
- Policy LHH Landscape, Historic Environment and Heritage.
- Policy GP Groundwater.

5.4 National Planning Policy Framework, (NPPF) (July 2018)

Section 2 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means approving development that accords with an up to date development plan. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. (paragraph 11).

Local planning authorities may take decisions that depart from an up to date development plan, but only if material considerations in a particular case indicate that a plan should not be followed (paragraph 12).

Other relevant parts of the NPPF include the following:

- Building a strong, competitive economy (paragraphs 80, 81, & 82).
- Supporting a prosperous rural economy: (paragraphs 83 & 84).
- Protecting Green Belt Land (paragraphs 133 – 147).
- Conserving and enhancing the natural environment (paragraphs 170, 171, 172, 173, 174, 175, 176, and 177).
- Conserving and enhancing the Historic Environment (paragraphs 184 – 202).
- Facilitating the sustainable use of minerals (paragraphs 203, 204, 205, 206, 207, & 208.).

6.0 Planning Assessment

6.1 Having regard to the provisions of the development plan, the information submitted in support of the application and the representations received, the main planning considerations are:

- The acceptability in principle of the proposed development
- Ecology impacts, particularly with regard to nationally and internationally designated sites
- Landscape impacts, particularly with regard to the AONB
- Highways impacts
- Noise impacts

6.2 Principle of Development

Policy SS1 (Presumption in favour of Sustainable Development) of the BDPMS requires the Mineral Planning Authority to take a positive approach to development that reflects the national presumption in favour of sustainable development, where proposals accord with the local plan. I consider that the proposal is compliant with policy SS1 for the following reasons.

6.3 Paragraph 203 of the NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

6.4 Amongst other matters, paragraph 205 of the NPPF states that when determining planning applications, local planning authorities should give great weight to the benefits of the mineral extraction (including to the economy), but should ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. Any unavoidable noise, dust and particle emissions should be controlled, mitigated or removed at source. Paragraph 207 states that mineral planning authorities should make provision for a steady and adequate supply of industrial minerals. All of these principles are reflected in the adopted Minerals Strategy.

6.5 Policy HY2 of the BDPMS states that Proposals for hydrocarbon production wellsites and facilities, and other related ancillary development, will be

permitted where they meet all of the following criteria:

- a) a full appraisal programme for the oil and gas field has been completed to the satisfaction of the Mineral Planning Authority;
- b) a framework for the full development of the field is submitted for approval by the Mineral Planning Authority;
- c) facilities required for hydrocarbon production sit within the agreed development framework, are justified in terms of their number and extent, and are progressively installed wherever possible;
- d) extraction, processing, dispatch and transport facilities are sited, designed and operated to minimise environmental and amenity impacts and provide proportionate environmental enhancements;
- e. any adverse impacts, both individual and cumulative, can be avoided or mitigated to the satisfaction of the Mineral Planning Authority;
- f) it has been demonstrated that possible effects that might arise from the development would not adversely affect the integrity of any SAC, SPA or Ramsar site either alone or in combination with other plans or projects;
- g) it can be demonstrated that there would be no adverse impact on the underlying integrity of the geological structure;
- h) existing facilities are used for the development of any additional fields discovered unless the applicant satisfies the Mineral Planning Authority that this would not be feasible and any adverse impacts can be mitigated;
- i) where a proposal uses existing production facilities, the integrity of the existing infrastructure can be demonstrated, having regard to local environmental factors.

- 6.6 Criteria a), b) and g) have been examined and satisfactorily addressed in the consideration, and permitting, of the previous development proposals for Wytch Farm Oilfield, and it is considered that the proposals in the current application do not have any impact on those issues. Compliance of the proposal with the remainder of above criteria is considered in subsequent paragraphs.

Ecological Impacts

- 6.7 The application site lies entirely on previously developed land within the existing site boundary of the gathering station. Therefore, the principal ecological impact concerns the potential for the proposal to indirectly adversely impact upon the ecological interests of the locality including through emission of Nitrogen Oxides (NOx) and Ammonia.
- 6.8 Policy DM1 of the BDPMS states that minerals development must demonstrate the protection and, where possible, the enhancement of biodiversity including nationally and internationally designated sites. Policy DM5 of the BDPMS states that proposals for minerals development must be accompanied by an objective assessment of the potential effects of the development on features of biodiversity and/or geological interest, taking into account cumulative impacts with other development and the potential impacts of climate change. The assessment must also demonstrate how the proposal intends to address the need to maintain and/or enhance features of local and regional importance including Sites of Nature Conservation Interest. The proposals should seek to achieve this wherever possible and consistent with viable development.
- 6.9 The site lies in close proximity to a number of designated wildlife sites of national and international importance. The application is supported by an environmental statement that in relation to emissions describes: the scoping

and assessment methodology; the baseline conditions at the site and its surroundings; the likely significant environmental effects of the proposed development; any mitigation measures required to prevent, reduce or offset any significant adverse effects; and the likely residual effects after these measures have been employed.

- 6.10 The ES sets out maximum emission levels from the proposed development and what their predicted contribution to deposition levels onto adjacent protected habitats would be. Mitigation measures designed to limit emissions, including the use of catalytic reduction technology, have been assessed in the environmental statement. Such measures are proposed to ensure that emission levels are within an acceptable range. The ES concludes that there would be small exceedances relating to ammonia concentrations and acid and nitrogen deposition. However, given the exceedances are small it is considered that there will not be a significant effect on any designated sites. As such the application states that there will be no adverse effect on the integrity of the European Sites or SSSI's.
- 6.11 Dr Annabel King Senior Ecologist, has undertaken an assessment of the proposed development under the Conservation of Habitats and Species Regulations (2017). Such assessments are divided into two stages: an initial 'screening assessment' of whether the development will result in Likely Significant Effect on the relevant European sites, and, if needed, a second 'Appropriate Assessment' of whether it will have an adverse effect on the integrity of the relevant European sites.
- 6.12 By law the authority must have regard to any representations by Natural England on any appropriate assessment and may only approve the development after having ascertained that it will not adversely affect the integrity of a European site, except in certain special circumstances. As a matter of Government policy this same approach is to be applied to Ramsar Sites.
- 6.13 The screening assessment undertaken by Dr King identified that the construction and operation of the power generation project could result in a Likely Significant Effect on Nightjar, and thus the Dorset Heathlands SPA, as a result of disturbance from noise during construction and operation and a Likely Significant Effect on the Dorset Heathlands SPA and Ramsar and the Dorset Heaths (Purbeck & Wareham) and Studland Dunes SAC from generation of gaseous emissions and nutrient and acid deposition on the heathland habitat.
- 6.14 The subsequent detailed 'appropriate assessment' of noise effects concludes that, taking mitigation measures into consideration, the proposed Power Generation project would not lead to an adverse effect on the integrity of the Dorset Heathlands SPA.
- 6.15 The Appropriate Assessment considers that the design of the gas engines to reduce emissions, plus mitigation management of habitat will reduce the effects of emissions to a level below that which would cause adverse effect on the Dorset Heathlands SPA and Ramsar and the Dorset Heaths (Purbeck & Wareham) and Studland Dunes SAC. These mitigation measures will be secured by the proposed conditions and a s106 obligation if necessary.

- 6.16 Therefore, it is concluded that the Power Generation project will not result in adverse effect on the integrity of the European sites, either alone or in combination with other projects, as described in Reg 63(5) of the Conservation of Habitats and Species Regulations, 2017, subject to the implementation of suitable mitigation measures.
- 6.17 Natural England has confirmed that it is content with the conclusion of no adverse effect providing the mitigation measures are secured. It sets out the required measures in more detail to tackle eutrophication where nitrate levels are elevated, to be secured in the form of a substantial new wetland at the upper end of this watercourse (outside the SAC).
- 6.18 Having regard to the proposed mitigation measures secured through the conditions in paragraph 9 of this report, it is considered that the proposed development will not adversely impact upon the ecological interests of the locality. The proposal is therefore seen to be in accordance with Policies HY2 (d), (e) and (f), DM1 and DM5 of the BDPMS and the Habitats Regulations.

Landscape and Visual Impact

- 6.19 The landscape character and visual impacts associated with the proposed development include those associated with the proposed Engine Hall that houses the two gas engines, exhaust stacks and associated infrastructure.
- 6.20 Policy DM 4 of the BDPMS states minerals development will only be permitted when the proposals include provisions to protect and/or enhance the quality, character and amenity value of the countryside and development which affects the landscape will only be permitted if it can be demonstrated that any adverse impacts can be:
- i. avoided; or
 - ii. where an adverse impact cannot be avoided, the impact will be adequately mitigated;
- or
- iii. where adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements will be made to offset the residual landscape and visual impacts.
- With specific reference to the Dorset AONB, policy DM4 states that any development should ensure the protection of the designation, together with its setting.
- 6.21 It is recognised that the proposal includes the provision of a substantial building measuring 12 metres in height as well as two exhaust stacks which measure 15 metres in height. However, it is noted that the proposed development will be undertaken wholly within the existing site which benefits from a significant mature tree screen around the entire boundary of the site. Land levels at the southern end of the gathering station are also set down in relation to the surrounding natural ground levels.
- 6.22 Notwithstanding the scale of the proposed building it is considered that owing to the existing tree screen there will be no adverse impacts on the visual amenity or landscape character of the locality as a result of the proposed development. Having regard to the impact of the development on the Dorset AONB, it is considered that the significant screening of vegetation around the site will assimilate the proposal into the wider landscape to the extent that the designation is not harmed. The proposal is therefore seen to be in accordance with policies HY2(d) and (e), RS1 and DM4 of the BDPMS

and Policy LHH of the Purbeck Local Plan – Part 1.

Highways

- 6.23 The principal highway impact associated with the proposed development will be the use of the existing established access road by construction traffic and traffic associated with ongoing maintenance and management of the facility.
- 6.24 Policy DM 8 of the BDPMS notes that minerals development which could have an adverse impact as a consequence of the traffic generated by it will only be permitted where it is demonstrated, through a Transport Assessment that:
- a. a safe access to the proposed site will be provided;
 - b. there will be no adverse impact on the Strategic, Primary and/or Local road network;
 - c. developers will provide the funding for any highway and transport network improvements necessary to mitigate or compensate any adverse impact on the safety, capacity and use of a highway, railway, cycleway or public right of way and that these improvements will be delivered in a timely manner; and
 - d. the proposal, where possible, has direct access or suitable links with the Dorset strategic highway network or primary route network.
- 6.25 The proposal will result in a temporary increase in traffic movements resulting from the initial construction phase of the development. All construction traffic will enter and leave the site via the existing designated dedicated access road.
- 6.26 Once operational, no increase in HGV's will occur when compared to the existing traffic movements generated by the site.
- 6.27 Having regard to the standard of the existing vehicular access and the level of HGV movements proposed as part of the development, it is considered that the proposed development will not adversely impact upon the capacity of the highway network or result in any significant increase in congestion. The proposal is therefore seen to accord with policy DM8 of the BDPMS.

Noise

- 6.28 The proposed development has the potential to adversely impact upon the amenity of residential properties by way noise disturbance from the proposed gas engines and associated infrastructure.
- 6.29 Policy DM 2 of the BDPMS states that proposals for waste management facilities will be permitted where it is demonstrated that any potential noise impacts on amenity arising from the operation of the facility and any associated transport can be satisfactorily avoided or mitigated to an acceptable level.
- 6.30 Paragraph 30 of the NPPF Technical Guidance states that subject to a maximum of 55dB(A)LAeq, 1h (free field), MPA's should aim to establish a noise limit at the noise-sensitive property that does not exceed the background level by more than 10dB(A). It is recognised, however, that in many circumstances it will be difficult to not exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator. The guidance states that in such cases, the limit set should be as near that level as practicable during normal working hours (0700-1900) and should not exceed 55dB(A) LAeq, 1h (free field).

- 6.31 Paragraph 31 of the NPPF states that all mineral operations will have some particularly noisy short-term activities that cannot meet the limits set for normal operations. It is noted that these activities can bring longer-term environmental benefits. Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise sensitive properties should be considered to facilitate essential site preparation and restoration works where it is clear this will bring longer-term environmental benefits to the site or its environs.
- 6.32 Noise emissions from the gathering station are currently limited by a number of conditions attached to the existing planning permissions that cover the site. These were secured the “PA2” permissions. The existing limits have been secured to protect the amenity of nearby residential properties in accordance with the above requirements in the NPPF. It is proposed that existing noise limits at the nearest sensitive receptors will be maintained as part of the proposed development and secured through the conditions detailed in paragraph 9 of this report.
- 6.33 Taking into account the proposed noise limits it is considered that there will be no adverse impact upon the amenity of nearby residential properties by way of noise disturbance. The proposals are therefore seen to be in accordance with policy DM2 of the BDPMS.

Conclusion

- 6.34 Having regard to the proposed mitigation measures secured through the conditions in paragraph 9 of this report, it is considered that the proposed development will not adversely impact upon the ecological interests of the locality. The proposal is therefore seen to be in accordance with Policies DM1 and DM5 of the BDPMS.
- 6.35 Notwithstanding the scale of the proposed building it is considered that owing to the existing tree screen there will be no adverse impacts on the visual amenity or landscape character of the locality as a result of the proposed temporary development. The proposal is therefore seen to be in accordance with policies RS1 and DM4 of the BDPMS and Policy LHH of the Purbeck Local Plan – Part 1.
- 6.36 Having regard to the standard of the existing vehicular access and the level of HGV movements proposed as part of the development, it is considered that the proposed development will not adversely impact upon the capacity of the highway network or result in any significant increase in congestion. The proposal is therefore seen to accord with policy DM8 of the BDPMS.
- 6.37 Taking into account the proposed noise limits it is considered that there will be no adverse impact upon the amenity of nearby residential properties by way of noise disturbance. The proposals are therefore seen to be in accordance with policy DM2 of the BDPMS.

7 Human Rights Implications

- 7.1 The provisions of the Human Rights Act and principles contained in the Convention of Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols of particular relevance are:

- (i) Article 8 - Right to respect for private and family life; and
- (ii) The First Protocol, Article 1 - Protection of Property.

7.2 Having considered the impact of the development, as set out in the assessment above as well as the rights of the applicant and the general interest, the opinion is that any effect on human rights does not outweigh the granting of the permission in accordance with adopted and prescribed planning principles.

8. Statement of Positive Involvement

- 8.1 In accordance with paragraphs 186 and 187 of the NPPF, the Council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The Council worked with the applicant/agent in a positive and proactive manner by:
- i. providing a pre-application advice service;
 - ii. updating the applicant's agent of issues as they arose in the processing of the application;
 - iii. discussing possible solutions to potential planning issues; and
 - iv. providing the applicant with the opportunity to address issues so that a positive recommendation to grant permission could be given.

9. **Recommendation:** That Planning Permission be GRANTED subject to, securing appropriate mitigation measures through an appropriately worded condition or section 106 obligation (with the precise wording delegated to officers) to reduce nitrate levels within the nearby SAC through habitat management as recommended by the Appropriate Assessment Natural England, and the following conditions

Time limit - Commencement of Development

1. The development permitted by this consent shall commence before the expiration of 3 years from the date of this permission.

Reason

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

Limitations on the permission

2. This permission shall enure for the benefit of Perenco UK Limited only.

Reason

This permission is granted to meet the specific requirements of the applicant for the further operation of the Oilfield and to safeguard in the interests of amenity and the environment in accordance with policies 3, 4, 6 and 72 of the adopted Dorset Minerals & Waste Local Plan and policies DM1, DM2 and HY2 of the Bournemouth, Dorset and Poole Minerals Strategy.

Approved Plans

3. Unless otherwise approved in writing by the mineral planning authority, the development hereby permitted shall be carried out in strict accordance with the details shown on drawing numbers OWF-GG-0C-00-0084 Figure 3, OWF-GG-0C-00-0084 Figure 4, OWF-GG-0C-00-0084 Figure 5, OWF-GG-0C-00-0084 Figure 6, OWF-GG-0C-00-0084 Figure 9.

Reason

To define the development having regard to the sensitivities of the locality in accordance with policies DM2 and DM4 of the BDPMS.

Time Limit

4. The development, subject of this permission, shall cease on or before 31 December 2037 except aftercare operations required by the conditions of this consent or any related planning obligation.

Reason

This permission is granted to meet the specific requirements of the applicant for the further operation of the Oilfield and to safeguard in the interests of amenity and the environment in accordance with policies 2, 3, 4, 6 and 72 of the adopted Dorset Minerals & Waste Local Plan and policies DM1, DM2 and HY2 of the Bournemouth, Dorset and Poole Minerals Strategy. .

Decommissioning of the site

5. By 31st December 2031, or within 1 month after the Permanent Cessation of Site Operations, whichever is sooner, the Operator shall obtain the Mineral Planning Authority's written approval of a Decommissioning Environmental Management Plan and a Decommissioning Traffic Management Plan (together the Decommissioning Plans) for the site and proposals for any continuing or future use of, and/or mothballing of, any pipelines within the site and for their final decommissioning, including timescales.. The submitted Decommissioning Plans shall accord with the principles and indicative content set out in Appendix 1 'Decommissioning Philosophy' to Appendix 3.2 to the submitted Environmental Statement dated August 2012 and submitted in with planning application reference 6/2012/0591 and specifically Annex 1 and Annex 2 thereto. The site shall thereafter be decommissioned in accordance with the approved Decommissioning Plans prior to its restoration in accordance with the conditions of this permission unless otherwise approved in writing by the Mineral Planning Authority.
- In this condition and whenever it occurs in this decision notice Permanent Cessation of Site Operations means the cessation of:
- i) extraction of hydrocarbons;
 - ii) processing of hydrocarbons;
 - iii) injection of fluids or waste;
 - iv) pumping; and
 - v) office use in support of the oilfield use

at the site for a period of more than two years or such longer period as is agreed in writing by the Mineral Planning Authority. For the avoidance of doubt any operations or uses ancillary or incidental to those set out in this definition shall not be taken into account when determining whether that use or operation has ceased.

Reason

To ensure the appropriate decommissioning of the site having regard to the environmental and amenity interests of the locality in accordance with policies 2, 3, 4, 6 and 72 of the adopted Dorset Minerals & Waste Local Plan and policies DM1, DM2, DM3, DM4, DM5, DM 7 and HY4 of the Bournemouth, Dorset and Poole Minerals Strategy..

Restoration of the site

6. Within 2 years of the Permanent Cessation of Site Operations and by 31 December 2037 in any event, the site shall be restored to a state suitable for agriculture and nature conservation in accordance with a detailed restoration scheme which complies with this condition that has been approved in writing in advance by the Mineral Planning Authority except for any areas for which a longer timescale has been approved in writing by the Mineral Planning Authority in respect of any pipeline within the site. By 31st December 2031, or within 1 month after the Permanent Cessation of Site Operations, whichever is sooner, the Operator shall obtain the Mineral Planning Authority's written approval of a detailed restoration scheme for the site. The submitted detailed restoration scheme shall accord with the Strategy for the Oilfield Restoration set out in Section 5 of Appendix 3.2 to the submitted Environmental Statement dated August 2012 and the submitted Gathering Station Restoration Plan drawing numbers PER.118.01 Rev 4 dated 01.08.12 and PER.118.1A Rev 4 dated 01.08.12 and the Method Statement Notes therein in submitted in connection with planning application reference number 6/2012/0591 The detailed restoration scheme to be submitted to the Mineral Planning Authority for approval shall include the following information:

A plan and cross sections of the restored site at a scale of 1:500 showing:

- The existing and proposed levels of the land with contours at one metre intervals throughout the site and extending into the adjoining land;
- Proposed boundaries (fences, hedges, banks etc,) water and drainage features, trees and vegetation to be retained or planted;
- Any provision for access;
- Type and distribution of habitats to be created or retained;
- Any other features proposed to be retained.

A written method statement and prescription including details of:

- Contamination and ecological surveys to be undertaken prior to site clearance and restoration;
- The timing and duration of the proposed operations
- The methodology for dismantling and/or demolition, processing and removal or reuse of all plant, equipment, buildings, structures, hard surfaces and materials on the site;
- Any proposed clearance of vegetation from the site;
- Regrading of the site to achieve the proposed contours;
- The types, origins and quantities of any bulk materials to be imported to or exported from the site;
- The likely traffic generation of the operations;
- The proposed nature, thicknesses and origins of any soils to be spread on the site and the machinery to be used.
- The relevant recognised standards to which the proposed works and processes will be implemented and the quality standards of

Reason

To safeguard the long term use of the land having regard to the environmental interests of the locality in accordance with policies 2, 3, 4, 6 and 72 of the adopted Dorset Minerals & Waste Local Plan and policies DM1, DM2, DM3, DM4, DM5, DM7 and HY4 of the Bournemouth, Dorset and Poole Minerals Strategy.

Notification of Cessation of Operations

7. Within one month of Permanent Cessation of Site Operations occurring the operator shall notify the Mineral Planning Authority in writing of the date when Permanent Cessation of Site Operations occurred.

Reason

To safeguard the long term use of the land having regard to the environmental interests of the locality in accordance with policies 2, 3, 4, 6 and 72 of the adopted Dorset Minerals & Waste Local Plan and policies DM1 and HY4 of the Bournemouth, Dorset and Poole Minerals Strategy.

Aftercare

8. The operator shall carry out aftercare for a period of 10 years commencing on completion of the implementation of the approved detailed restoration scheme (under condition 6) in accordance with a scheme which has first been approved in writing by the Mineral Planning Authority. If the MPA has approved a longer period for restoration of any areas in connection with the decommissioning of pipelines, then any surface area disturbed by those operations shall be subject to 5 years aftercare commencing on completion of their restoration. The operator shall obtain the Mineral Planning Authority's approval of a proposed aftercare scheme within 6 months of the Mineral Planning Authority's approval of the detailed restoration scheme for the site.

The proposed aftercare scheme shall include details of :

- a) the physical characteristics of the land to be restored;
- b) the proposed management of the site to maximise its potential for nature conservation and agriculture specifying the steps to be taken and the period during which they are to be taken, and who will be responsible for taking those steps;
- c) provision for the Operator to obtain the Mineral Planning Authority's approval of a detailed annual aftercare programme for each year of the aftercare period including:
- d) proposals for managing the land in accordance with the rules of good agricultural husbandry including planting, cultivating, seeding, land for the forthcoming 12 months;
- e) proposals for managing the land to maximise its nature conservation value including the types of habitat to be created and the methodology for the creation of each including substrate preparation, planting and/or seeding, weed and scrub control, and mowing and/or grazing as appropriate; and
- f) a record of aftercare operations carried out on the land during the previous 12 months.

Reason

To ensure the appropriate aftercare of the site having regard to the environmental interests of the locality in accordance with policies 2, 3, 4, 6 and 72 of the adopted Dorset Minerals & Waste Local Plan and policies DM1 and HY4 of the Bournemouth, Dorset and Poole Minerals Strategy.

Lighting

9. The site shall not be artificially lit except in strict accordance with a lighting scheme approved in writing in advance by the Mineral Planning Authority. Any lighting scheme proposed shall include details of the level of illumination, location and design of light sources, proposed improvement

plans where necessary, together with provisions for the revision of the scheme at the request of the Mineral Planning Authority.

Reason

To reduce any light pollution from the site to an appropriate level in the interest of the environment and amenity of the locality in accordance with Policies 6 of the adopted Dorset Minerals & Waste Local Plan and policies DM1, DM2, DM4 and DM5 and HY2 of the Bournemouth, Dorset and Poole Minerals Strategy.

Noise Generation Limits

10. Unless otherwise approved by the Mineral Planning Authority in writing in advance the noise levels generated by the use of the site and the operations thereon, measured at the nearest noise sensitive premises, shall not exceed 40dB (LAeq), 1 hour freefield between 7am-10pm and 38dB (LAeq), 1 hour freefield at all other times except for the following exceptions:
- Essential maintenance and construction activities for up to 8 weeks in any 12 month period which may generate noise levels up to:
55dB (LAeq), 1 hour freefield between 7am-8am and between 6pm and 7pm
70dB (LAeq), 1 hour freefield between 8am-6pm.

Reason

To reduce any noise pollution from the site to an appropriate level in the interest of the environment and amenity of the locality in accordance with Policies 6 of the adopted Dorset Minerals & Waste Local Plan and policies DM1, DM2, DM4, DM5 and HY2 of the Bournemouth, Dorset and Poole Minerals Strategy.

Hours of operation - Noisier Maintenance and Construction Operations

11. Except with the prior written approval of the Mineral Planning Authority, essential maintenance and construction activities generating between 40-70 dB (LAeq), 1 hour freefield, measured at the nearest noise sensitive premises, shall not take place:
- a) outside 7am-7pm Mon-Fri and 8am-1pm Sat, or
 - b) on Bank or Public Holidays, or for more than 8 weeks in any 12 month period.

Reason

To reduce any noise pollution from the site to an appropriate level in the interest of the environment and amenity of the locality in accordance with Policies 6 of the adopted Dorset Minerals & Waste Local Plan and policies DM1, DM2, DM4, DM5 and HY2 of the Bournemouth, Dorset and Poole Minerals Strategy..

Uncontrolled Releases of Pollutants and Contamination

12. The Mineral Planning Authority shall be notified without unnecessary delay following any discovery of an uncontrolled release of hydrocarbon or fluid which has the potential to cause significant pollution to the environment or any contaminated ground, and the operator shall implement immediate measures to prevent further such releases and minimise immediate risks to the environment. The initial notification shall include details of the location and a

description of measures being put in place. Provision shall be made for the inspection of the site and affected area by representatives of the Mineral Planning Authority as soon as is practicable. If subsequently required by the Mineral Planning Authority, the operator shall within 21 days prepare and provide the Mineral Planning Authority with a report and proposals detailing the following:

- a description of the nature and quantities of contaminants released; the mapping of the known extent of any contamination and an assessment of any adverse impacts resulting from it;
- a detailed description of the cause of the incident and associated factors contributing to the release;
- a review of the measures taken to minimise risks to the environment from the release or contamination;
- proposals for any additional measures to minimise risks to the environment from pollution;
- proposed measures to remediate any pollution present;
- a methodology for on the ongoing monitoring of environmental effects;
- proposed measures and/or procedures to be put in place for the prevention of further potential releases.

The report and proposals shall thereafter be implemented as approved in writing by the Mineral Planning Authority.

Reason

To reduce the potential for any contamination to adversely impact on the environmental and amenity interests of the locality in accordance with policies 6 of the Dorset Minerals and Waste Local Plan of the Bournemouth and policies DM1, DM3, DM5 and HY2 of the Dorset and Poole Minerals Strategy.

Potential Contamination

13. Unless otherwise agreed in writing by the Mineral Planning Authority no development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local

planning authority. The strategy shall be implemented as approved.

Reason

To protect controlled waters. To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with policy DM 3 of the Dorset and Poole Minerals Strategy.

Potential Contamination

14. Unless otherwise approved in writing by the Mineral Planning Authority prior to each phase of development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To protect controlled waters. To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with policy DM 3 of the Dorset and Poole Minerals Strategy

Potential Contamination

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason

To protect controlled waters. To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with policy DM 3 of the Dorset and Poole Minerals Strategy.

Construction Environmental Management Plan (CEMP)

16. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason

To prevent pollution of the water environment in accordance with policy DM 3 of the Dorset and Poole Minerals Strategy.

Emissions Limits

17. NO_x emissions from the proposed development shall not exceed the rate of 65mg/Nm³ at 5% O₂. Annual average ammonia emission rates from the proposed development shall not exceed 0.38 g/Nm³ at 15% O₂.

Reason

To limit emission levels having regard to the ecological interests of the locality in accordance with policy DM 5 of the Dorset and Poole Minerals Strategy

Emissions Monitoring

18. Prior to the commencement of development a scheme shall be submitted for the written approval of the Mineral Planning Authority detailing procedures for the monitoring of the following mitigation measures detailed under table 3.2 of the Environmental Statement:

(a) Limiting NO_x emission rate to 65mg/Nm³ at 5% O₂

(b) Limiting the annual average ammonia emission rate to 0.38 mg/Nm³

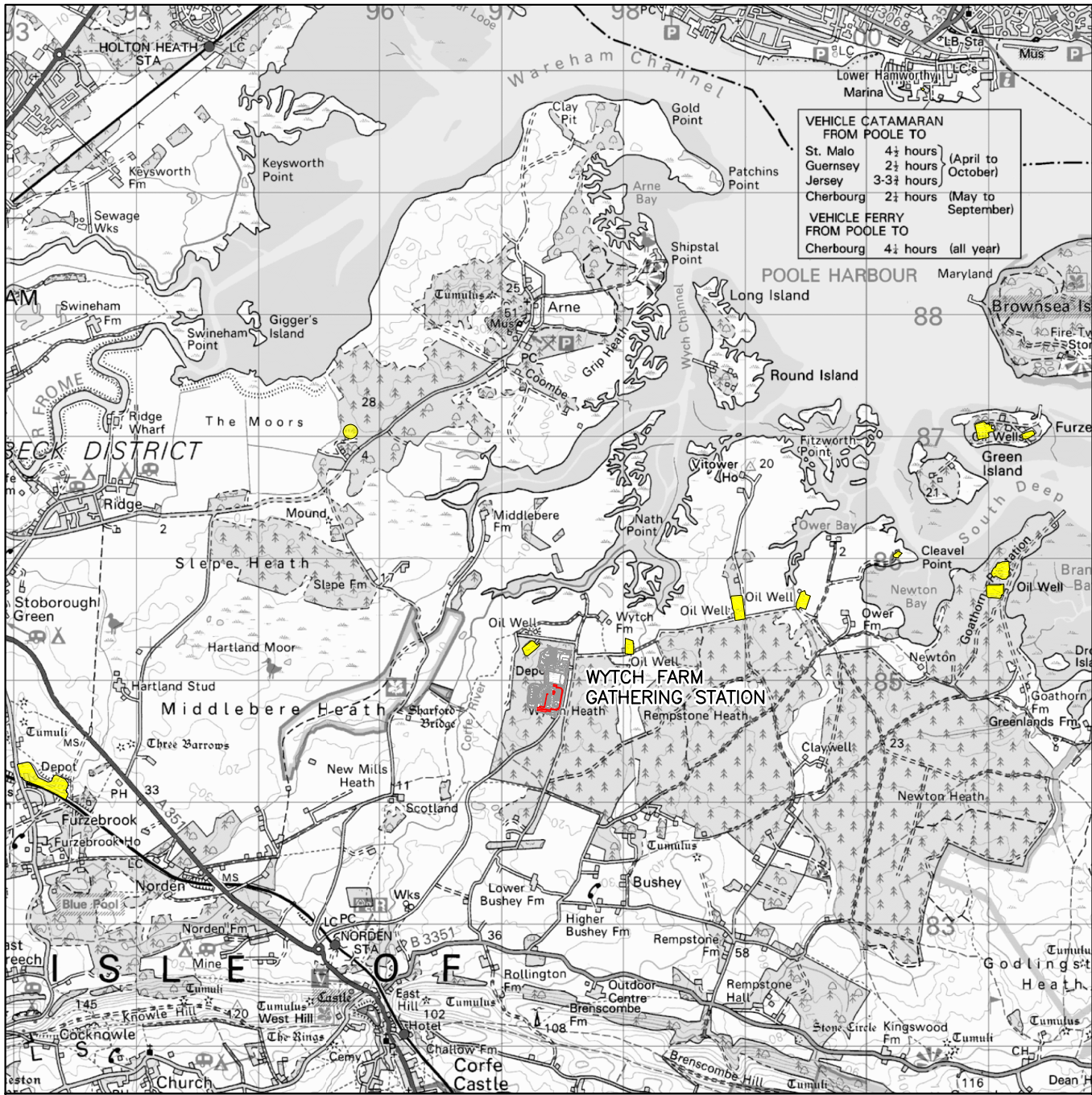
The monitoring scheme shall include details of the timings, methods of reporting for monitoring and procedures in the event of an exceedance.

Monitoring of the above mitigation measures shall be undertaken in accordance with the approved scheme.

Reason

To limit emission levels having regard to the ecological interests of the locality in accordance with policy DM 5 of the Dorset and Poole Minerals Strategy.

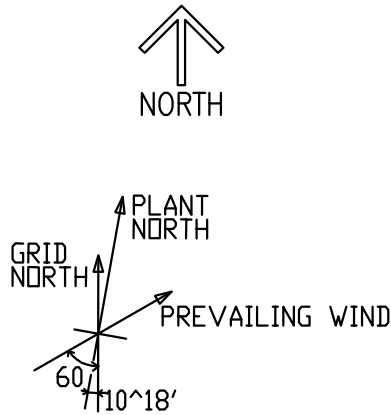
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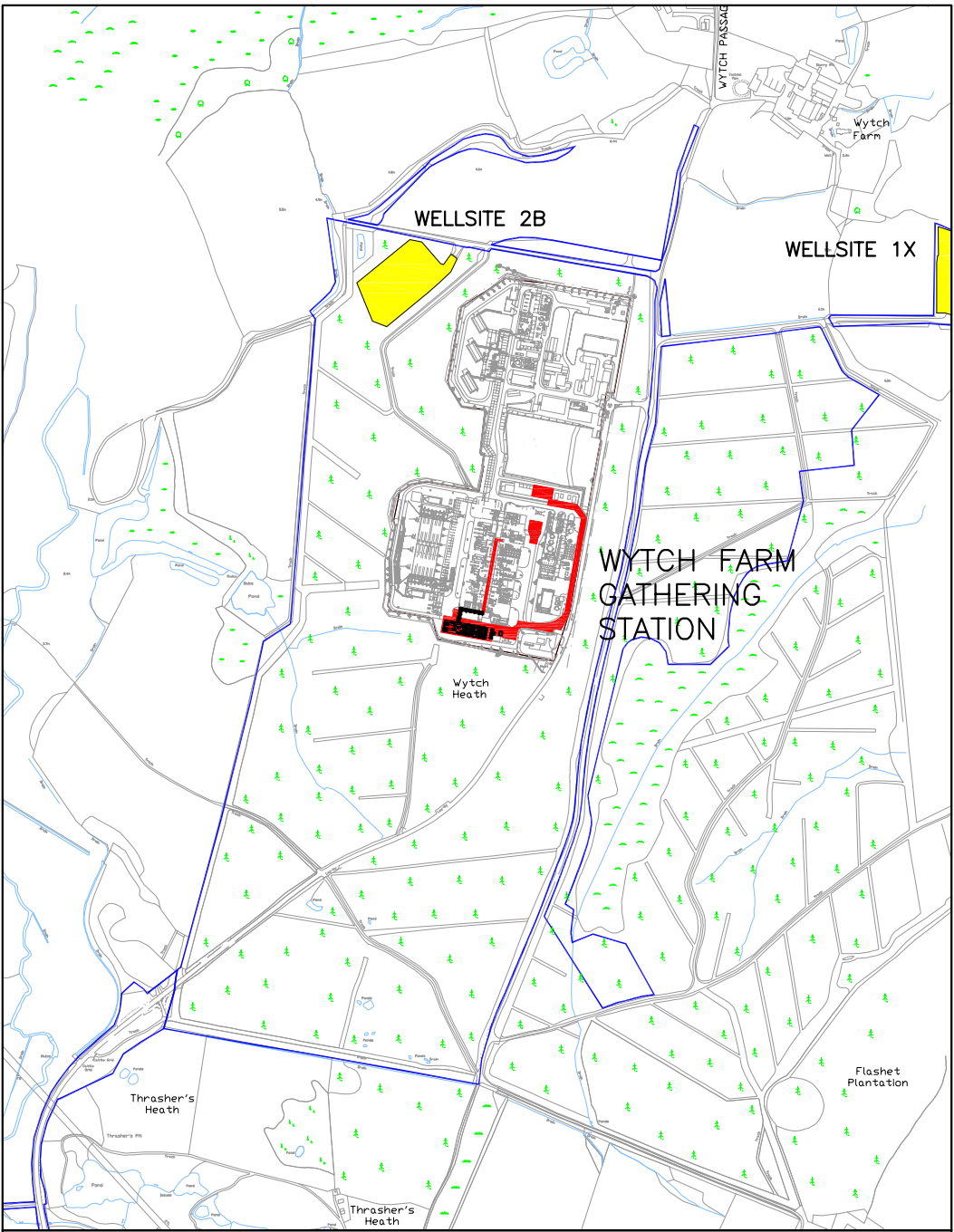
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LOCATION PLAN



- KEY
- PLANNING APPLICATION BOUNDARY
 - OTHER LAND WITHIN THE APPLICANTS CONTROL
 - OTHER PERENCO SITES



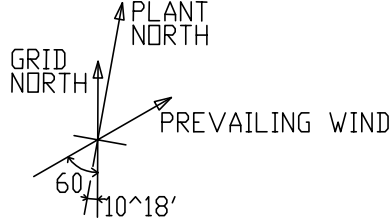
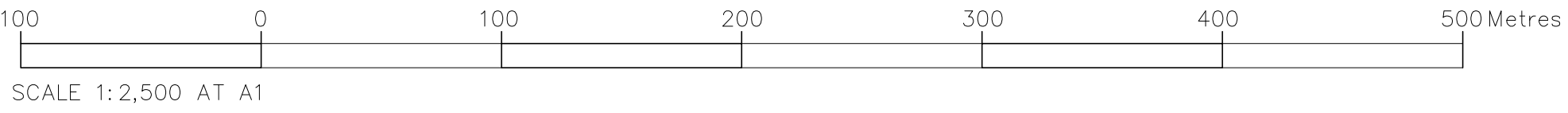
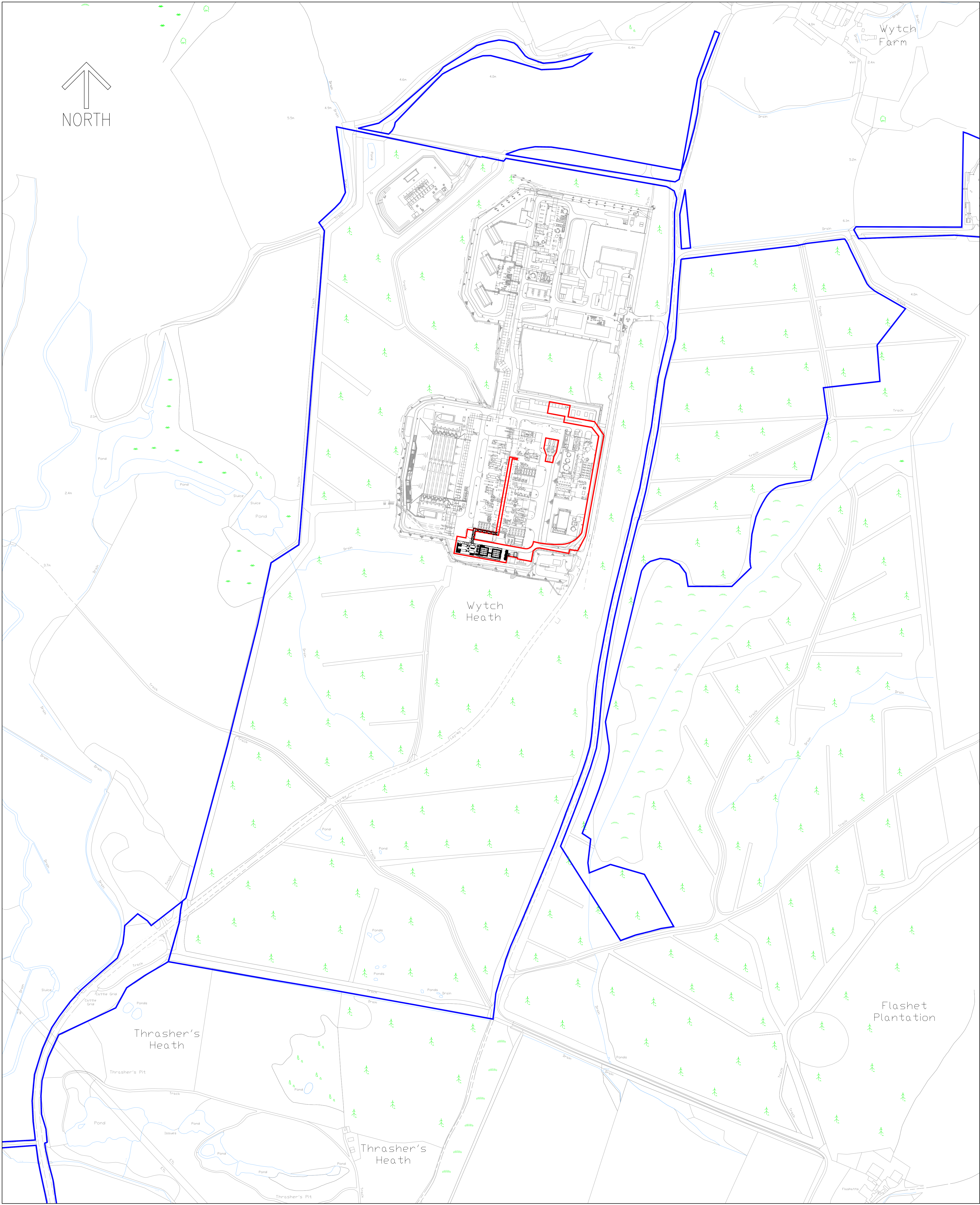
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LOCAL AREA PLAN

							PERENCO 		
	E	ISSUED FOR PLANNING	28/08/18	AMH					
	D	UPDATED TO COMMENTS	22/08/18	AMH			DRAWN: AMH	TITLE: WYTCH FARM POWER GENERATION PROJECT LOCATION PLAN FIGURE 1	
	C	UPDATED TO COMMENTS	16/08/18	AMH			CHECKED:		
	B	ISSUED FOR COMMENTS	14/08/18	AMH					
	REV	DESCRIPTION	DATE	DRAWN	CHK'D	PERENCO	APPROVED:	DRG No. OWF-GG-OC-00-0084	REV: E

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KEY	
	PLANNING APPLICATION BOUNDARY
	OTHER LAND WITHIN THE APPLICANTS CONTROL

E	28/08/18	ISSUED FOR PLANNING	AMH			
D	23/08/18	RE-ISSUED FOR COMMENT	AMH			
C	13/08/18	RE-ISSUED FOR COMMENT	AMH			
B	24/07/18	RE-ISSUED FOR COMMENT	AMH			
A	09/07/18	ISSUED FOR COMMENT	AMH			
REV.	DATE	DESCRIPTION	BY	CH'D	APP	PERENCO



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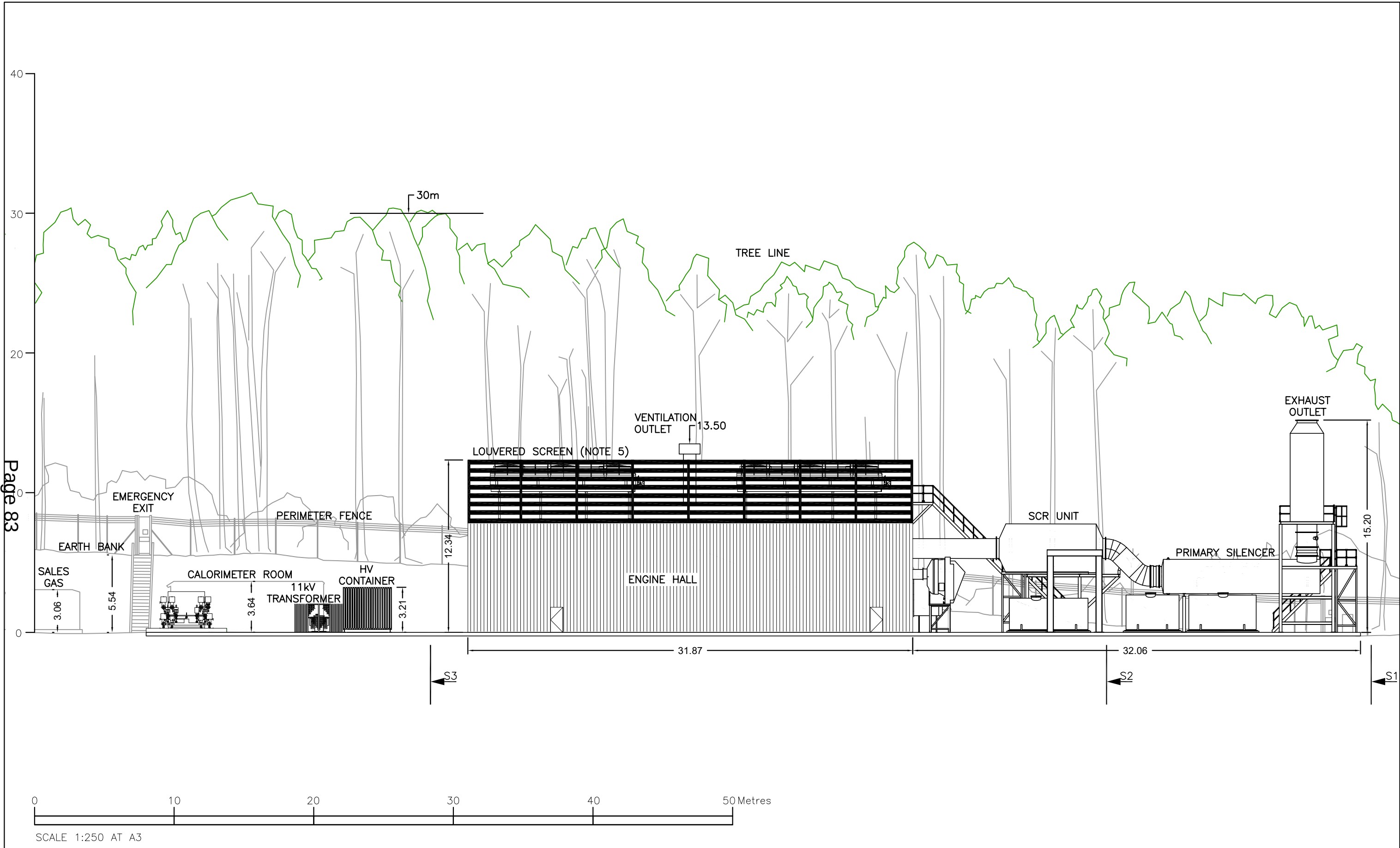
TITLE
WYTCHE FARM
POWER GENERATION PROJECT
PLANNING APPLICATION
SITE BOUNDARY

FIGURE 2

DRG.No. OWF-GG-0C-00-0084

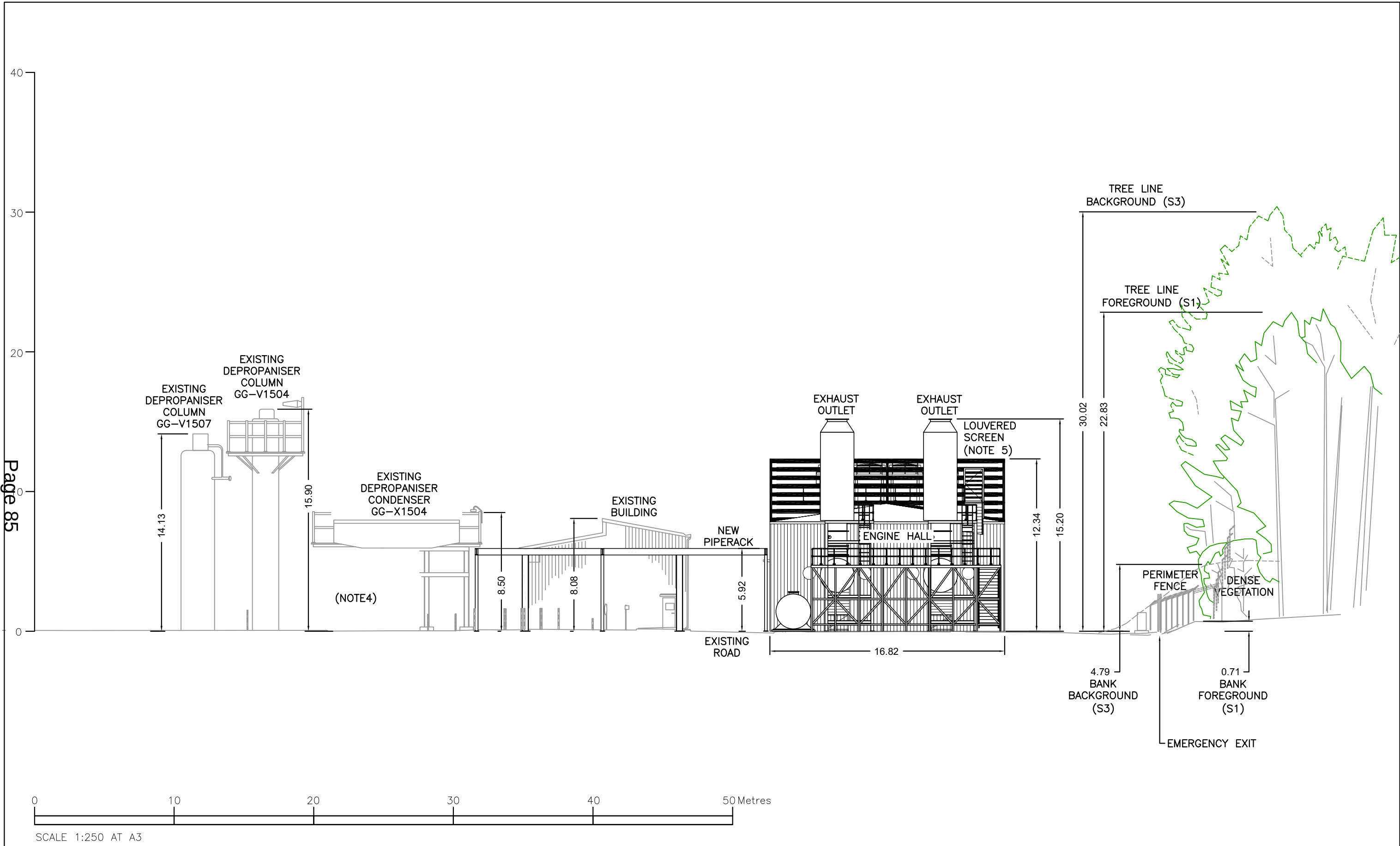
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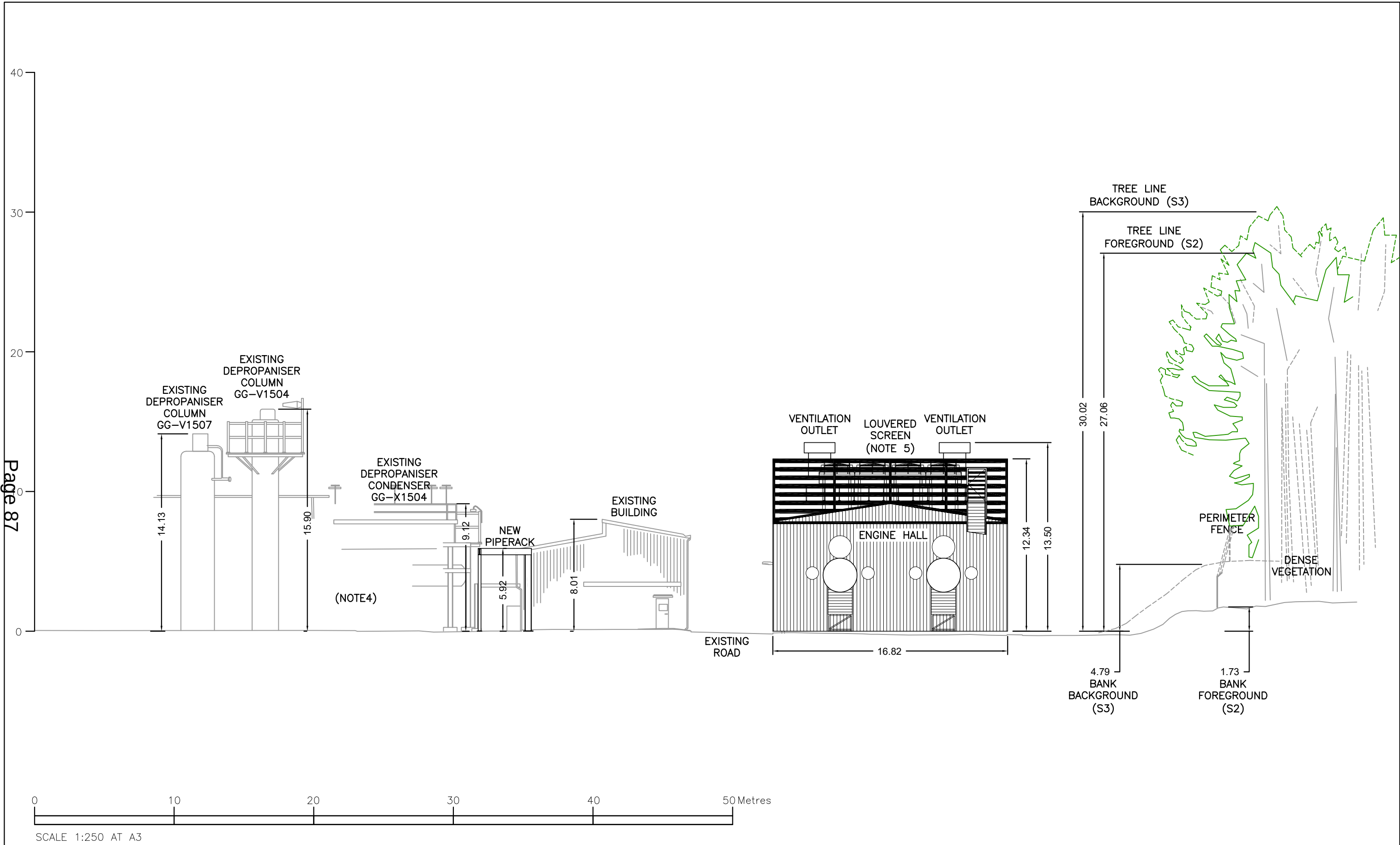
NOTES: 1. ALL DIMENSIONS ARE IN METRES. 2. HEIGHTS SHOWN RELATIVE TO LOCAL GRADE. 3. LOCAL GRADE SET AT 13M ABOVE ORDNANCE DATUM. 4. ONLY BASIC OUTLINE OF EXISTING EQUIPMENT SHOWN. 5. LOUVERED SCREEN WITH ROOF MOUNTED RADIATORS AND FANS BEHIND. 6. COLOUR, SURFACE TREATMENTS AND BUILDING MATERIALS TO MATCH EXISTING SITE FACILITIES.								PERENCO		
	E	ISSUED FOR PLANNING	28/08/18	AMH						
	D	UPDATED TO COMMENTS	23/08/18	AMH				DRAWN: AMH CHECKED: APPROVED:		
	C	UPDATED TO COMMENTS	16/08/18	AMH						
	B	RE-ISSUED FOR COMMENTS	14/08/18	AMH						
	A	ISSUED FOR COMMENTS	01/08/18	AMH				TITLE: POWER GENERATION ELEVATION VIEW ON ARROW 'A' FIGURE 5 DRG No. OWF-GG-OC-00-0084 REV: E		
	REV	DESCRIPTION	DATE	DRAWN	CHK'D	PERENCO				

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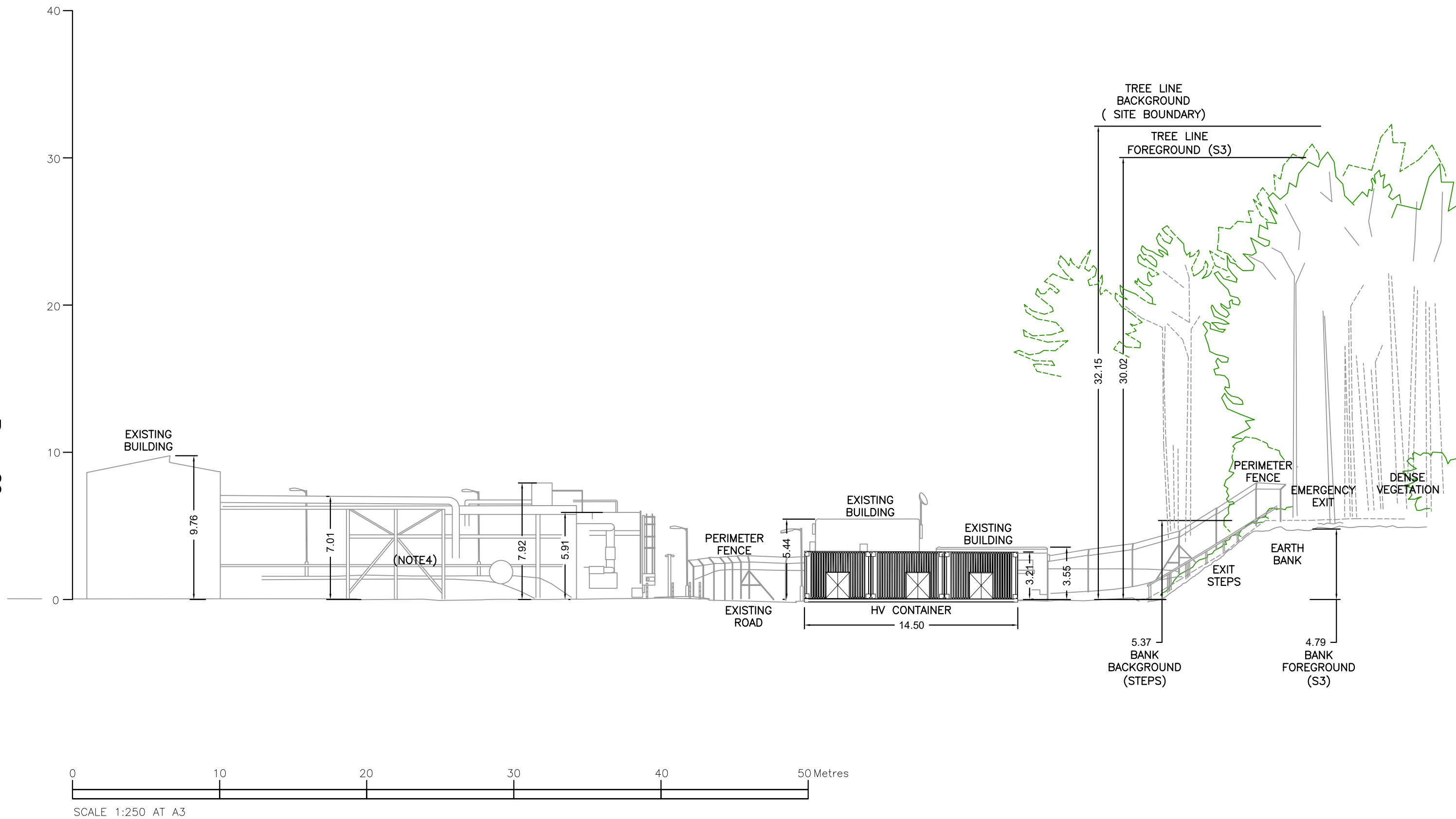
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	E	ISSUED FOR PLANNING	28/08/18	AMH				DRAWN: AMH TITLE: POWER GENERATION VIEW ON SLICE S1 TO S3		
	D	UPDATED TO COMMENTS	23/08/18	AMH						
	C	UPDATED TO COMMENTS	16/08/18	AMH				CHECKED: FIGURE 6		
	B	RE-ISSUED FOR COMMENTS	14/08/18	AMH						
	A	ISSUED FOR COMMENTS	08/08/18	AMH				APPROVED: DRG No. OWF-GG-OC-00-0084 REV: E		
	REV	DESCRIPTION	DATE	DRAWN	CHK'D	PERENCO				

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NOTES: 1. ALL DIMENSIONS ARE IN METRES. 2. HEIGHTS SHOWN RELATIVE TO LOCAL GRADE. 3. LOCAL GRADE SET AT 13M ABOVE ORDNANCE DATUM. 4. ONLY BASIC OUTLINE OF EXISTING EQUIPMENT SHOWN. 5. LOUVERED SCREEN WITH ROOF MOUNTED RADIATORS AND FANS BEHIND. 6. COLOUR, SURFACE TREATMENTS AND BUILDING MATERIALS TO MATCH EXISTING SITE FACILITIES.								PERENCO 	
		E	ISSUED FOR PLANNING	28/08/18	AMH				
		D	UPDATED TO COMMENTS	23/08/18	AMH			DRAWN: AMH CHECKED: APPROVED:	
		C	UPDATED TO COMMENTS	16/08/18	AMH				
		B	RE-ISSUED FOR COMMENTS	14/08/18	AMH			TITLE: POWER GENERATION VIEW ON SLICE S2 TO S3 FIGURE 7	
		A	ISSUED FOR COMMENTS	08/08/18	AMH				
REV		DESCRIPTION		DATE	DRAWN	CHK'D	PERENCO	DRG No. OWF-GG-OC-00-0084	REV: E

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NOTES:

1. ALL DIMENSIONS ARE IN METRES.
2. HEIGHTS SHOWN RELATIVE TO LOCAL GRADE.
3. LOCAL GRADE SET AT 13M ABOVE ORDNANCE DATUM.
4. ONLY BASIC OUTLINE OF EXISTING EQUIPMENT SHOWN.
5. COLOUR, SURFACE TREATMENTS AND BUILDING MATERIALS TO MATCH EXISTING SITE FACILITIES.

E	ISSUED FOR PLANNING	28/08/18	AMH			
D	UPDATED TO COMMENTS	23/08/18	AMH			
C	UPDATED TO COMMENTS	16/08/18	AMH			
B	RE-ISSUED FOR COMMENTS	14/08/18	AMH			
A	ISSUED FOR COMMENTS	08/08/18	AMH			
REV	DESCRIPTION	DATE	DRAWN	CHK'D	PERENCO	

PERENCO



DRAWN: AMH

CHECKED:

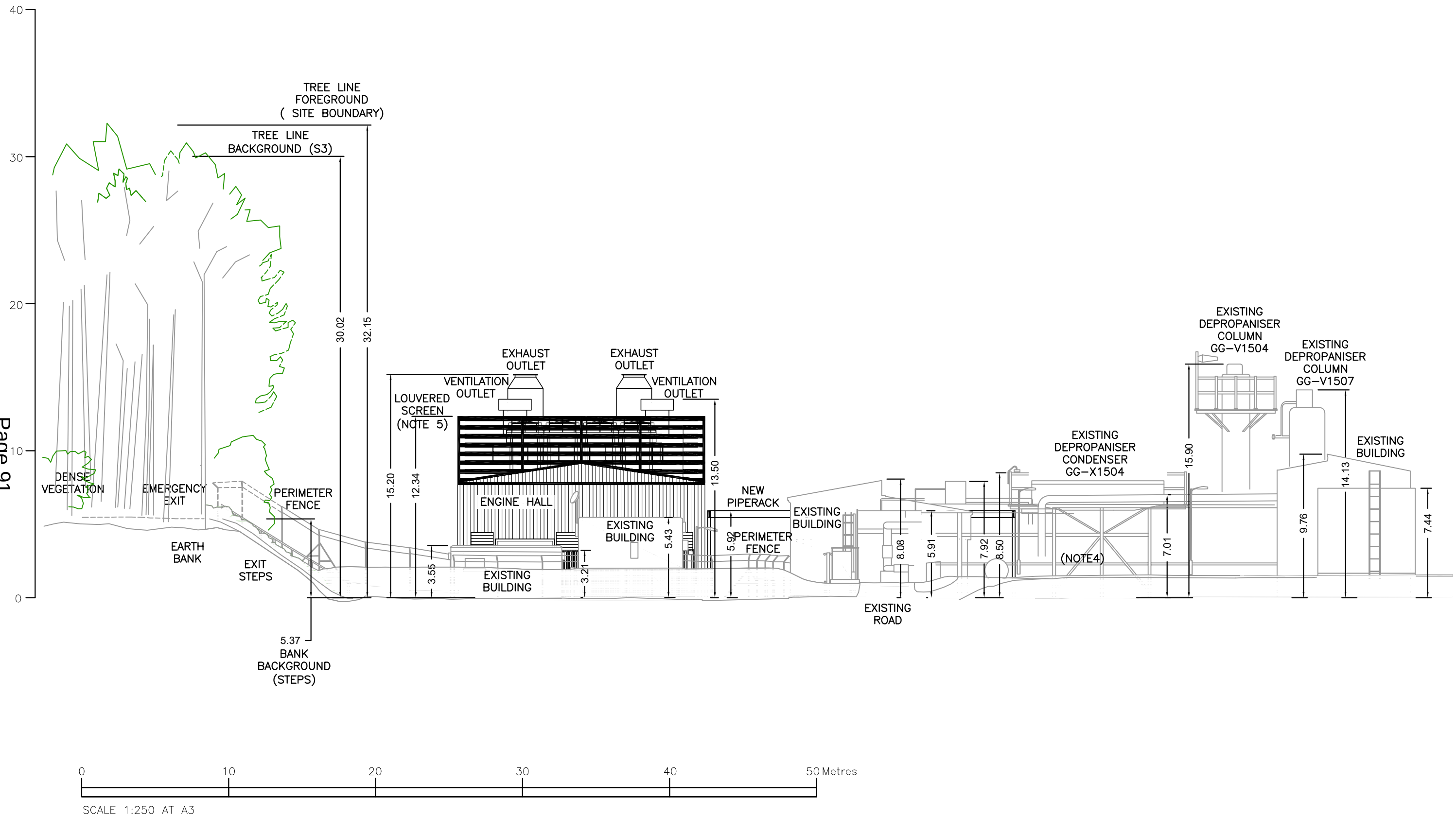
APPROVED:

TITLE:
POWER GENERATION
VIEW ON SLICE S3 TO EDGE OF SITE
FIGURE 8

DRG No.
OWF-GG-OC-00-0084

REV: E

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NOTES: 1. ALL DIMENSIONS ARE IN METRES. 2. HEIGHTS SHOWN RELATIVE TO LOCAL GRADE. 3. LOCAL GRADE SET AT 13M ABOVE ORDNANCE DATUM. 4. ONLY BASIC OUTLINE OF EXISTING EQUIPMENT SHOWN. 5. LOUVERED SCREEN WITH ROOF MOUNTED RADIATORS AND FANS BEHIND. 6. COLOUR, SURFACE TREATMENTS AND BUILDING MATERIALS TO MATCH EXISTING SITE FACILITIES.								PERENCO 			
	E	ISSUED FOR PLANNING	28/08/18	AMH					DRAWN: AMH	TITLE: POWER GENERATION VIEW ON ARROW 'B'	
	D	UPDATED TO COMMENTS	23/08/18	AMH							
	C	UPDATED TO COMMENTS	16/08/18	AMH					CHECKED:	FIGURE 9	
	B	ISSUED FOR COMMENTS	14/08/18	AMH							
	REV	DESCRIPTION	DATE	DRAWN	CHK'D	PERENCO			APPROVED:	DRG No. OWF-GG-OC-00-0084	REV: E

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