



Strategic and Technical Planning Committee

Date: Wednesday, 26 July 2023
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum 6)

Robin Cook (Chairman), John Worth (Vice-Chairman), Shane Bartlett, Dave Bolwell, Alex Brenton, Kelvin Clayton, Toni Coombs, Jean Dunseith, Sherry Jespersen, Mary Penfold, Belinda Ridout and David Tooke

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224202 - elaine.tibble@dorsetcouncil.gov.uk

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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Agenda

Item	Pages
1. APOLOGIES	
To receive any apologies for absence.	
2. MINUTES	5 - 14
To confirm the minutes of the meeting held on 19 June 2023.	
Update on decision list from November 2022.	
3. DECLARATIONS OF INTEREST	
To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure	

councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration. If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

4. REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee. [Guide to Public Speaking at Planning Committee](#)

The deadline for notifying a request to speak is 8.30am on Monday 24 July 2023.

5. PLANNING APPLICATIONS

- | | | |
|----|--|----------|
| a) | Application No: P/FUL/2021/01018 - North Dairy Farm Access To North Dairy Farm Pulham Dorset DT2 7EA
Install ground-mounted solar panel photovoltaic solar arrays, substation, inverter stations, transformer stations, security fencing, gates and CCTV; form vehicular access, internal access track, landscaping and other ancillary infrastructure. | 15 - 82 |
| b) | Application to extinguish part of Footpath 79 and divert part of Bridleway 80, Beaminster
This report considers an application to extinguish part of Footpath 79 and divert part of Bridleway 80, Beaminster in the light of objections received and recommends that extinguishment and diversion orders are made on the basis that the relevant legal tests have been met. | 83 - 114 |

6. URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

7. EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

There is no scheduled exempt business to report.

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STRATEGIC AND TECHNICAL PLANNING COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 19 JUNE 2023

Present: Cllrs Robin Cook (Chairman), John Worth (Vice-Chairman), Shane Bartlett, Kelvin Clayton, Toni Coombs, Jean Dunseith, Sherry Jespersen, Mary Penfold and Belinda Ridout

Apologies: Cllrs Dave Bolwell, Alex Brenton and David Tooke

Also present remotely: Cllr Emma Parker

Officers present (for all or part of the meeting):

Philip Crowther (Legal Business Partner - Regulatory), Mike Garrity (Head of Planning), Elaine Tibble (Senior Democratic Services Officer), Felicity Hart (Minerals and Waste Planning Manager) and Eren Balkir (Planning Officer (Minerals & Waste))

Officers present remotely (for all or part of the meeting):

Steve Savage (Transport Development Liaison Manager)

1. **Minutes**

The minutes of the meeting held on 2 May 2023 were confirmed and signed.

2. **Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

3. **Planning Applications**

Application No: P/FUL/2022/04629 - Southover Farm, Tolpuddle, Dorchester DT2 7HE

- a) The Planning Officer (Minerals and Waste) presented the report for a retrospective application for an as built slurry lagoon.

The Planning Officer detailed the history of the slurry lagoon which was granted permission in 2019 for a depth of 3.4m but had been constructed to a depth of 5.5m. The lagoon had been in use for two winters and was surrounded by fencing and barbed wire.

The Planning Officer outlined the principle of development, the need for slurry storage, measurements as built and those approved. By way of a slide presentation committee members were shown views of the site, the approach and an arial view detailing the one-way delivery routes into and

out of the farm. Details of the ecological designations, nutrient neutrality and concerns relating to amenity and Highways, were highlighted as part of the presentation. Photographs of Southover Lane were displayed to inform members of the delivery routes to the farm, deliveries of slurry were permitted five times a day, there had been no objections from the Highways Department.

As part of the previously approved application a Slurry Liaison Committee had been established as a liaison between the farmer and the residents which met twice a year. As part of the retrospective application, the applicant wished to reduce these meetings to once a year, however the Chairman of the Slurry Liaison committee had expressed a wish to maintain a minimum of two meetings per year.

Oral representation was received from Lizzie Guinn, Philip Martin, Cllr David Neudegg (Vice Chairman of Affpuddle and Turnerspuddle Parish Council), Cllr John Ridout (Puddletown Area Parish Council) and Cllr Emma Parker, Dorset Council Ward Member.

Concerns raised in their representations related to the number of and speed of traffic movements, residents' wish to reduce daily movements from five to two and the need to maintain the Slurry Liaison Committee together with balancing the needs of the farmer and the residents.

Mr Cobb, the applicant also addressed the committee, he was happy to work within conditions but stressed the need for flexibility. He expressed his willingness to work with the Slurry Liaison Committee.

The Planning Officer was invited to respond to the comments made by the speakers. The number of traffic movements were the same as granted in the original application and records were kept for inspection. Concerns relating to speed limits would not be enforceable by Council Officers.

In debating the application members felt it inadvisable to reduce the number of Slurry Liaison Committee meetings.

Proposed by Cllr Sherry Jespersen, seconded by Cllr Toni Coombs

That; If members were minded to support the application, the condition to hold twice yearly meetings of the Slurry Liaison Committee be re-instated and remain in place for the existence of the slurry lagoon. Further meetings were to be instigated by the Chairman, not by Dorset Council Officers.

Members were aware that the key consideration remained unchanged, if neither permission was in place the applicant would still have the ability to import the same amount of slurry with no conditions, rejecting the application would not result in the traffic movements reducing or going away. A deeper lagoon would not cause any additional harm.

Proposed by Cllr Shane Bartlett, seconded by Cllr John Worth.

Decision: that the application be approved with the addition of a condition to ensure that the gate to the slurry remain locked at all times, other than when deliveries were made and Cllr Jespersen's amendment in relation to the Slurry Lagoon committee. Plus the conditions outlined in the appendix to these minutes.

Application No: P/FUL/2021/01018 - North Dairy Farm Access To North Dairy Farm Pulham Dorset DT2 7EA

b) This application was deferred to a later date. The Head of Planning advised that a scheduled ancient monument that needed further assessment had come to the attention of Officers. It had been agreed with the applicant to defer the application to give the matter further consideration.

4. Urgent items

There were no urgent items.

5. Exempt Business

There was no exempt business.

**Decision Sheet
Slurry Liaison Committee TOR for info**

Duration of meeting: 10.00 - 11.40 am

Chairman

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Strategic and Technical Planning Committee 19 June 2023 Decision List

Application Reference: P/FUL/2022/04629

Application Site: Southover Farm, Tolpuddle, Dorchester DT2 7HE

Proposal: Retrospective application for as-built slurry lagoon.

Recommendation: GRANT, subject to conditions.

Decision: That the application be granted subject to the following conditions:

1. Development in Accordance with Approved Plans

The development hereby permitted shall be carried out strictly in accordance with the following approved plans:

- Title: Location Plan
- Title: Site Block Plan
- Drawing Number: 2591/2124320/AJM/05. Title: Slurry Lagoon Cross Sections, Elevations, and Floor Plan.
- Drawing Number: 2591/2124320/AJM/06. Title: Slurry Lagoon Cross Sections, Elevations, and Floor Plan, with Landscaping Detail.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Restriction of Vehicle Movement Hours

No slurry tanker shall enter the site outside the hours of 09:00 – 16:00, Monday to Friday. No slurry tanker shall enter the site during Saturdays, Sundays, or Public Holidays.

Reason: To regulate the movement of heavy traffic associated with the lagoon in the interests of the amenity of local residents.

3. Restriction of Vehicle Movement Numbers

The total number of daily slurry tanker movements shall be limited to 10 (5 in and 5 out). Records of these movements are to be maintained, and on receipt of four-days' notice copies of these records are to be made

available to the Waste Planning Authority for inspection.

Reason: To regulate the movement of heavy traffic associated with the lagoon in the interests of the amenity of local residents.

4. Export of Waste

No slurry from the slurry lagoon shall be exported outside the area known as Southover Farm. Southover Farm is defined for the purposes of this condition as the area edged blue on the approved 'Southover Slurry Lagoon - Location Plan.'

Reason: To control the form of the development in the interests of amenity.

5. Covering

When in use, the slurry lagoon must be fully covered in light expanded clay aggregate balls, unless the lagoon is empty or undergoing maintenance.

Reason: To satisfactory reduce the potential impact of ammonia emissions arising from the development on nearby Oakers Bog and Oakers Wood SSSIs, and on European Sites.

6. Landscaping

The approved landscaping scheme shall be implemented in accordance with Drawing 2591/2124320/AJM/06 (Title: Slurry Lagoon Cross Sections, Elevations, and Floor Plan, with Landscaping Detail). The planting phase of the approved landscaping scheme must be completed by 30th November 2023. Any trees or plants that, within a period of five years after planting,

are removed, die, or become, in the opinion of the Waste Planning Authority, seriously damaged or defective, shall be replaced during the next planting season with others of species, size, and number as originally approved.

Reason: To ensure the satisfactory landscaping of the site, in the interest of safeguarding the visual amenity and landscape qualities of the area.

7. Slurry Liaison Committee

The operator of the slurry lagoon shall comply with the details of the “Slurry Liaison Committee Terms of Reference,” dated 19th June 2023, until such time as the Waste Planning Authority is notified in writing that the slurry lagoon has ceased to be in use.

Reason: To ensure that the development is in the interests of amenity and the Environment

8. Gate Lock

The field gate at the entrance to the slurry lagoon shall remain locked at all times, unless slurry deliveries or agricultural activity are taking place.

Reason: In the interests of public safety on site.

Informatives

The Applicant is encouraged to maintain their long-standing agreement with local residents to adhere to a one-way system for heavy traffic entering and exiting Southover Farm, in which tractors enter via Affpuddle and leave via Tolpuddle.

The Applicant should manage the routing and scheduling of vehicle movements to minimise the risk of wide vehicles passing one another on narrow lanes, particularly along Southover Lane.

Drivers of heavy vehicles should be informed of these routing arrangements, reminded to drive at slower speeds through the villages, and be made aware that any damage to residential properties is prosecutable under the Criminal Damage Act 1971.

The Applicant is encouraged to continue to meet regularly with representatives of the local community, and to keep them informed of any changes in future traffic movements.

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19/06/2023

Southover Farm - Slurry Liaison Committee Terms of Reference

- I. The general purpose of the Group shall be to consider the interests of amenity (including community interests where practical) and the environment relating to the approved Slurry Lagoon (ref: P/FUL/2022/04629). It shall act as a forum for the interchange of information and discussion between the parties represented on the Committee covering such topics as:
 - (a) Compliance with planning conditions;
 - (b) To consider concerns, complaints received/ local feedback and agree on action to resolve matters arising from feedback;
 - (c) Forthcoming activities / changes in the development.

- II. The Group shall consist of -
 - (a) A representative of Puddletown Area Parish Council and from Affpuddle and Turnerspuddle Parish Council;
 - (b) Dorset Council Monitoring and Enforcement Officer (Minerals and Waste) and Dorset Council Planning Officer if necessary;
 - (c) The operator of the Slurry Lagoon, or his appointed agent;
 - (d) One (1) local resident representative from Puddletown Area Parish Council and one (1) from Affpuddle and Turnerspuddle Parish Council, as nominated by the Parish Councils.
 - (e) Such technical specialist, such as Environmental Health Officers of Dorset Council, Environment Agency, as may be invited by the Committee for a particular issue.

- III. The Group shall include a Chairman and Secretary. The Chairman shall be a Dorset Council Member from one of the Parish Councils' Wards. The Secretary shall be a Parish Clerk from one of the Parish Councils and The Secretary shall send out invitations for the meetings.

- IV. As an informal body the Group will have no voting rights and any views expressed at a meeting shall not affect the statutory rights or duties, or prejudice the position, of any party. Where, exceptionally, a vote is taken, only the elected members of Dorset Council and the Parish Councils shall vote.

- V. The Group shall meet twice a year, at a date and time to be determined by the Chairman. Additional meetings may be held on occasion, when deemed necessary by The Chairman.

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- VI Minutes of meetings of the Group shall be kept and made publicly available on Puddletown Area and Affpuddle and Turnerspuddle Parish noticeboards, websites and in magazines.

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Reference No: P/FUL/2021/01018
Proposal: Install ground-mounted solar panel photovoltaic solar arrays, substation, inverter stations, transformer stations, security fencing, gates and CCTV; form vehicular access, internal access track, landscaping and other ancillary infrastructure
Address: North Dairy Farm Access To North Dairy Farm Pulham Dorset DT2 7EA
Recommendation: GRANT
Case Officer: Rob McDonald
Ward Members: Cllr Batstone, Cllr Haynes
CIL Liable: No

1.0 The application is being considered by the Strategic and Technical Planning Committee at the request of the Service Manager due to the scale of the proposed development and the judgement required in considering whether the public benefits of the scheme outweigh the harm to the setting of the Dorset Area of Outstanding Natural Beauty (AONB).

2.0 Summary of recommendation

Recommendation A:

Grant permission, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the following:

£28,029.00 as a Conservation Payment to pay for the creation/restoration and management of sufficient new habitat for great crested newts and to compensate for the impacts of the applicant's proposal for 25 years.

and the following conditions (see section 17 for full wording and reasons):

- Time Limit
- Temporary permission
- Plans
- Arboricultural Method Statement
- Soft and hard landscaping
- Surface water management and drainage designs
- External appearance of ancillary structures/equipment
- Construction Environmental Management Plan
- FRA and Drainage Strategy
- Flood Warning and Evacuation Plan
- Landscape and Ecological Management Plan
- Unexpected contamination

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- Hedgerow minimum height
- CCTV pole height
- Construction hours
- Decommissioning details

Recommendation B:

Refuse permission for failing to secure the financial obligations detailed above if the agreement is not completed by 22 December 2023 or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation

- Proposed solar farm would deliver very substantial public benefits: producing enough renewable energy to power some 11,745 homes for 35 years. It would make a valuable contribution towards the Council's Climate and Ecological Emergency Strategy. It would also generate a significant number of jobs.
- The public benefits would outweigh the adverse impact upon the local landscape character areas and the setting of the Dorset AONB.
- The proposed development would be made safe for its lifetime without increasing flood risk elsewhere.
- No harm would amount to heritage assets in and around the site.
- The 'best and most versatile' agricultural land would be avoided for the 35 year duration of the development.
- The scheme would deliver a measurable gain in biodiversity and a compensation payment towards mitigating the habitat of great crested newts. Protected trees on site will be retained and, in the case of veteran oaks, enhanced.
- Impacts upon neighbouring amenity and highway safety would be acceptable.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable location in principle. Adverse effects need to be weighed against very substantial public benefits from solar farm.
Visual and landscape impact, including upon the setting of the AONB	Despite reduction in solar arrays and further screening proposed, extent of scheme cannot be fully mitigated and successfully assimilated into the receiving landscape. Harm would be caused as a result.
Flood risks	Development would satisfy Sequential Test and Exception Test and otherwise be made safe for its lifetime without increasing flood risk elsewhere.

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Agricultural land	The 'best and most versatile' agricultural land would be avoided.
Heritage	No harm to heritage assets.
Habitats and biodiversity	Measurable gain in biodiversity and a compensation payment towards mitigating GCN.
Residential amenity	Acceptable impact in compliance with Policy 25.
Impact on protected trees	All trees on site will be retained. The development has the opportunity to enhance conditions around veteran English Oaks.
Highway safety	No Highway Authority objections, subject to conditions.
Decommissioning and restoration	A condition can be imposed to ensure it is appropriate at that time in the future.

5.0 Description of Site

- 5.1 The application site forms several agricultural fields in the open countryside, forming part of the North Dairy Farm unit, situated in an area known as East Pulham, located west of Hazelbury Bryan, east of Pulham and north of Mappowder. The site comprises some 77ha of land. The site is relatively level towards the north half of the site, with the southern half featuring some gentle slopes. A report submitted as part of the application indicates the land is classified as a mix of subgrade 3b (moderate) and grade 4 (poor) agricultural land.
- 5.2 The site is accessed via an existing farm track, leading from the main farmstead. This track crosses the ordinary watercourse River Lydden and consequently passes through high-risk flood zones 2 and 3. The submitted Flood Risk Assessment (FRA) also confirms that edges of the main part of the site towards the north west boundary and parts of the north east of the site also lie within flood zones 2 and 3. Two unnamed watercourses flow through the site: one through the centre (referred to by the applicants as 'Short Wood Brook') and the other along part of the north eastern boundary (referred to by the applicants as 'Parsonage Farm Brook'). Associated with these watercourse are low, medium and high surface water flood risks. The parts of the site within the high risk flood zones are also shown to have medium and high surface water risks. Parts of the site are also shown to have high groundwater flood risks, with groundwater levels either at or very near the surface.
- 5.3 The site straddles two landscape character types: the Clay Vale in the northern half and Rolling Vales in the southern half. It is not within an Area of Outstanding Natural Beauty (AONB) but the Blackmore Vale and North Dorset Escarpment character areas of the Dorset AONB distantly wrap around the site to the south, with the boundary to this designated area some 1.25km at the closest point (to the south east). One public footpath (N49/20) passes directly through the site, following a relatively straight line just to the south of Boywood Farm, becoming N49/4 once it exits the western boundary of the

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site. Footpath N46/19 clips the south east corner of the site, heading in a south westerly direction up the rising land. Public bridleway N46/21 passes close to the eastern side of the site, before clipping the corner of the northern-most parcel of the site and splitting to form footpath N46/28 which skirts around the boundary of this parcel.

- 5.4 There are no designated heritage assets on the site, although a number in proximity to the site whereby settings could be affected. Grade II listed building Old Boywood Farm is the closest of these, lying some 475m to the north east of the site, with grade II listed Cannings Court Farmhouse some 750m to the west. Hazelbury Bryan Conservation Area lies some 800m east of the site. The Scheduled Monument at Dungeon Hill is some 3.4km to the west. Another Scheduled Monument, Rawlsbury Camp, lies some 4.5km (from roughly the middle of the site) to the south east, with another, Nettlecombe Tout, some 5km south of the site. There is a record of a non-designated heritage asset, in the form of cultivation remains, in the northern-most parcel.
- 5.5 The whole site is covered by a Tree Preservation Order (ref: TPO/2021/0003), protecting all trees on the land. There are no other special ecology protections on the site itself, although two copse areas that adjoin to parts of the western boundary of the site are recognised as forming part of the existing ecological network. Short Wood is a SNCI and ancient woodland and located some 400m south of the site. There are three internationally designated SAC sites within 10km of the site: Rooksmoor SAC; Holnest SAC; and Cerne and Sydling Downs SAC. In addition, the Blackmoor Vale Commons and Moors SSSI lies within 2km.

6.0 Description of Development

- 6.1 The application seeks full planning permission to install ground-mounted solar panel photovoltaic solar arrays, as well as the construction of a substation, inverter stations, transformer stations, security fencing, gates and CCTV; and to form vehicular access, internal access track, landscaping and other ancillary infrastructure.
- 6.2 The scheme will have an approximate export capacity of 47MW, and potentially a maximum export capacity of 49.99MW, which equates to the generation of clean renewable energy of between approximately 11,745 to 13,000 homes a year and anticipated CO₂ displacement is at least 10,402 tonnes per annum.
- 6.3 The applicant has indicated that the solar farm would operate for a 'temporary' time period of "approximately 35 years" from the commencement of operation.
- 6.4 The solar panels would have an anti-reflective coating, tilted at approximately 22 degrees and ground mounted to a piled galvanised steel/aluminium frame, with the lower edge some 0.8m above ground level and the top standing some 2.6m above ground level. The rows would be between 2m-6m apart, depending on topography. A total of 33 transformer stations, each with a

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volume of 24 cubic metres, housed within green metal containers and laid on concrete bases, would be distributed evenly across the site. A substation compound would be formed within the northern half of the site and comprise a 132kV transformer and associated buildings such as a DNO control room, meter and customer switch room. Underground cabling would connect panels and transformers to the substation, as well as connecting the substation to the point of connection. Connection from the substation to the network will be via a new pylon, the final design specification for which will be confirmed by SSE as the statutory undertaker.

- 6.5 The internal access track would be of permeable material and allow vehicular access throughout the site. The site would be enclosed by 2.2m high deer type security fencing and gates inside of the existing boundary vegetation. CCTV, mounted on poles, would be erected around the site. Additional soft landscaping would be planted in and around the site.
- 6.6 The full details of the proposed development is listed within the applicant's supporting documents.

7.0 Relevant Planning History

2/2013/1336/PLNG - Request for EIA Screening Opinion under EIA Regulations 2011 for a solar photovoltaic (PV) park – deemed EIA development.

2/2016/1469/SCREIA - Request for EIA Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended) for the construction of a 30MW solar PV farm and associated infrastructure. - deemed EIA development.

2/2020/1268/SCREIA - Request for EIA Screening Opinion under Section 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for a proposed 49.9MW solar park with battery storage facility at land at North dairy Farm, Pulham, Dorchester, DT27EA – deemed EIA development.

TPO/2021/0003

8.0 List of Constraints

Outside settlement boundary
Flood zones 2 and 3
Low, medium and high surface water flood risks
High groundwater flood risk area
Setting of Dorset AONB
Proximity to designated heritage assets: grade II listed buildings, Hazelbury Bryan Conservation Area and Scheduled Monuments
Tree Preservation Order
Public rights of way affected: N49/4, N46/19, N46/21, N46/28, N46/20
Agricultural Land Grade: Grade 3b and 4
Proximity to SNCIs, SSSIs, SACs, ancient woodland

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9.0 Consultations

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

Consultees

Cllr Batstone (Member for Blackmore Vale Ward)

No comments received at the time of determination.

Cllr Haynes (Member for Chalk Valleys Ward)

No comments received at the time of determination.

Pulham Parish Council (co-host Parish Council)

Initial comments received 24 May 2021

Oppose:

- Nothing to gain for the parishes of Hazelbury Bryan and Mappowder or the county;
- County's green targets already met;
- No boost to tourism;
- Very doubtful there will be local jobs generated.

Further comments received 25 February 2022

Objection:

1. I am concerned as to the traffic control and management for the village during the construction phases of this project. What is the traffic plan for ingress and egress and what challenges will that this scheme will pose for the village?

2. Related to the above we have a number of businesses operating from Pulham at lest one of which is hospitality. What are the proposed compensation schemes for the loss of business this scheme will cause?

3. What is the communications and stakeholder management plan in order to maintain good will with the village and their support for the scheme.

OFFICER NOTE: The material planning concerns raised are noted and addressed in the main body of the report.

Mappowder Parish Council (co-host Parish Council)

Initial comments received 1 June 2021

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Objection:

- Severe adverse landscape impact from local roads and public rights of way, with insufficient mitigation proposed;
- Flood issues, particularly along local roads; swale plan is meaningless;
- Loss of farmland – dairy;
- Adverse heritage impact – whole area of upper Blackmore Vale should be regarded as a heritage asset;
- Degree of permanence;
- No decommissioning plan submitted;
- Impact on tourism;
- Modern slavery concerns;
- Minimal community engagement.

Further comments received 13 October 2022

Comments on the applicant's agricultural land classification analysis:

- PC believe farming land is 'excellent' for dairy as 1% of UK's organic milk production is sourced from Mappowder and Hazelbury Bryan;
- Natural England data indicates site is all grade 3;
- Incorrect grading between 3a and 3b grades based on characteristics;
- Removal of grade 3 land from agricultural use as a result of the development;
- 25ha is 'good' farming land;
- Two fields should be considered grade 3a and, as such, removed from solar farm site;
- More grade 4 land available on the farm for the solar farm.

Hazelbury Bryan Parish Council (neighbouring Parish Council)

Points made in support:

- Development supports carbon reduction and climate and ecological emergency;
- Switch to electric vehicles will demand increase in electricity generating capacities;
- Instant local electricity generation with easy access to the grid;
- Much of the solar farm will be hidden when viewed from within Neighbourhood Plan area;
- Impact the scheme would have on climate change;
- Loss of dairy and meat farming not a loss with switch to plant-based diets.

Points made against:

- Size and scale of site would have a huge detrimental impact on the Blackmore Vale landscape and a number of views will be adversely affected;
- Does not necessarily need to be size proposed to be viable;
- Possible negative impact on wildlife and biodiversity;

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- No local economic benefits.

Overall conclusion: Support provided a reduction of 50% is secured and compliance with biodiversity measures.

Lydlinch Parish Council (neighbouring Parish Council)

Objection:

- Concerns regarding potential highways flooding on the Kings Stag to Hazelbury Bryan Road & A357 at the bridge between Lydlinch & Bagber
- Detrimental impact on the conservation areas at Hazelbury Bryan & Mappowder
- Detrimental to the panoramic views from Bullbarrow
- Major loss of productive farm land
- Additional construction traffic would have a major impact on the local highways infrastructure for many months
- Harm caused by siting the solar farm in the proposed location outweighs any perceived benefits.

Buckland Newton Parish Council (neighbouring Parish Council)

No comments received at time of determination.

Historic England

No comments.

No further advice regarding the Scheduled Monuments.

Natural England

Initial comments received on 28 June 2021

- Consult AONB team as within close proximity to Dorset AONB and may have adverse effect from high ground within the designated area;
- No objection relative to wildlife – welcomes LEMP. Needs to be approved by Council's Natural Environment Team. Great Crested Newts licencing scheme also applicable.

Further comments received 25 October 2022

- Based on the information provided the scheme has been demonstrated to have adverse impacts on a number of viewpoints within the AONB, most notably from Bulbarrow Hill. The Dorset AONB and your Council's Senior Landscape Officer have provided detailed comments on the significance of the adverse impacts to landscape interests which need to be considered when determining the application. Natural England notes that both have advised that additional mitigation measures, including reducing the scale of the proposals, could remove or reduce the adverse effects of the scheme. If

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your Authority is minded to grant the application as submitted then Natural England recommends that a clear rationale is provided as to why all or some of the additional measures suggested are not possible. Further, the scheme should secure appropriate compensatory measures designed to moderate the detrimental effects of the scheme on views from the AONB and help ensure the proposals over the lifetime of the development contributes to conserving and enhancing the natural beauty and amenity of the AONB. Appropriate compensation measures should be agreed with the Dorset AONB Team and be secured by any permission.

- All proposals should, however, complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.
- Natural England also recommends any permission apply a condition to require the site to be decommissioned and restored to an appropriate land use which retains any biodiversity benefits delivered during the scheme when planning permission expires.

Environment Agency

No objection subject to conditions re. CEMP.

Comments on flood risks:

- FRA approach to depth data and annual exceedance probability is acceptable given nature of proposal;
- FRA does not accurately report hazard classifications for depths up to 1.0m – more discussion and clarity at the point here the access route crosses watercourse would be useful, but also recognised in the FRA that there will be times when the site access is not possible;
- Site specific solution to flood risk management in the form of a Flood Warning & Evacuation Plan may be appropriate. Should be produced pre-determination.

Further comments received 8 April 2022

- Lives will not be at risk if an access road for a solar farm is sited within flood zone 3; loss of life and property/livelihood;
- Clear that access road could be impeded during a flood - encourage consideration of predicted flood depths to allow emergency planners and the applicant to weigh up whether a temporarily flooded access point is really likely to cause an issue. The applicant should consider whether temporary suspension of access/egress (during a flood) for repairs and maintenance would be a problem.
- You may wish to require the applicant to submit an access/egress management plan, including mitigation measures, to ensure they have considered these issues thoroughly.
- No raising of access road as a method of protecting the road from flooding.

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Dorset AONB Team

Initial comments received 26 May 2021

- Modifications and amendments to the information within the LVIA suggested: wider study area; figures; ZTV; viewpoints and their presentation; winter month photography.

Further comments received on 17 March 2022 following submission of further information

- Some effects on the AONB, particularly visual impacts, that would not conserve and enhance the AONB;
- Transformation of site and landscape character would diminish the appreciation of the character of the AONB in the background;
- Broadly in agreement with the LVIA that adverse effects on views from within the AONB are greatest from the southeast, from the direction of Bulbarrow Hill... the LVIA is broadly correct in noting that there are further occasions of visibility of parts of the site from the scarp slopes and hilltops to the south, including locations close to the Dorsetshire Gap, Nettlecombe Tout, Ball/Church Hill and Knoll Hill. Along the Wessex Ridgeway, in particular, there are notable sections where vegetation in the immediate foreground restricts the availability of northward views and therefore reduces the impacts. However high points provide some form of panoramic view to the north towards the site and so parts of the development would be visible, particularly during winter months, when intervening screening is less effective.
- The relatively modest amount of proposed planting shown on the LEEP is only sufficient to 'take the edge off' the arrays in the long term.
- Cleared area below powerlines forming 'corridor' highlights the site from the southeast.
- Southward sloping part of the site in fields 10 and 13 substantially increase the perceived scale and overall impact of the development.
- Mitigation from Stoke Wake would be effective but not negate impacts entirely.
- Wider views of the development from with elevated locations within the AONB are generally more distant and often filtered by intervening vegetation.
- Major adverse effect on the section of footpath N46/20 as it passes through the site. The significance of the impact is heightened by the fact that the site forms the immediate foreground in views toward the AONB.
- There are likely to be opportunities to substantively reduce the significance of these through further primary and secondary mitigation.
- Further mitigation of the proposal or increase in benefits relative to the AONB recommended.

Further comments received on 10 October 2022 following submission of amendments

- Although a number of arrays have been omitted and planting added, the development broadly resembles the earlier design.

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- The changes would not materially alter the visual impact on views from within the AONB, particularly prior to planted vegetation reaching maturity.
- The amendments have achieved a degree of mitigation, particularly in relation to the outlying field 4, as well as in field 7, where panels have been removed to the east of the pylons. In this area, additional planting may help to soften the impact of features such as the substation in the long term. I would broadly concur that these changes are not likely to substantially alter the impacts on the outlook from the AONB, although there may be a marginal improvement when planting achieves a degree of maturity in the 'long term'. It should be noted that the 'long-term' is defined by the LVIA methodology as being between 15-35 years.
- Whilst the modifications have made some improvement to the long term screening of fields 6 & 13 and panels have been reduced in field 7, there do not appear to have been substantive amendments that would serve to mitigate the large arrays with the southern sloping fields 4 and 10, which are a part of the proposal that is more likely to be visible from elevated vantage points associated with the North Dorset Escarpment.
- The series of moderate effects on the outlook from the AONB places the effects at the cusp of being 'significant' and does not demonstrate clear compliance with the recommendations of NPPF 176.
- Overall, whilst noting a modest improvement in the design of the development, it is not considered that the changes have fundamentally avoided or minimised impacts on views from within the AONB. Concerning these effects, I broadly concur with the LVIA that effects are most pronounced in the vicinity of Bulbarrow Hill/Rawlsbury Camp and the roads and footpaths descending the escarpment to the north of this area. Adverse impacts on the outlook from this area are of clear relevance to the planning balance, due to the magnitude of impact when views are achieved, notwithstanding the fact that the site appears within a relatively wide panorama across the Vale.
- Wider views from elevated parts of the North Dorset Escarpment tend to be less impacted, due to the greater distances involved and the presence of intervening vegetation. When taken individually, I consider that the impact upon each wider viewpoint identified along the Escarpment (i.e. not from the Bulbarrow Hill area), which are from distances typically ranging from 4-4.5 km, would not be regarded as 'significant' in their own right.
- These impacts on the outlook from the AONB should be aggregated with the effects on landscape and visual receptors outside of the AONB, which are likely to experience a greater magnitude of change, in order to form a rounded view on the landscape and visual effects of the proposal.

Highway Authority

No objection subject to CEMP condition.

Flood Risk Management Team

Initial comments received 14 May 2021

No objection.

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- Panels would be within pluvial flood extents so ordinarily sequential test would be required. However, panels would be elevated above ground level and above maximum surface water flood depths and not impede any surface water flow paths or displace ponding of surface water.

Further information requested for clarity.

Further comments received on 3 December 2021

No objection on flood risk mitigation and management grounds.

No objection to the application subject to conditions and informatives.

- Existing modelling does not include any allowance for climate change – little distance between flood zone extents and panel locations;
- Access and egress needs consideration with regards to application of sequential test;
- Access will be flooded during lower risk level events. If the access is impassable during a lower return period event and if no other access is available, then the risk to the operation and maintenance of the site during times of flood may not be considered insignificant or trivial and therefore warrants application of the sequential test. Seek advice from the Environment Agency on this matter;
- Sequential test need not be applied to surface water flood risk;
- Surface water drainage strategy recommended.

Further comments received 27 June 2022

- It would be prudent to request some further qualification from the applicant in terms of the implications for the operation / use if or when the proposed access route is impassable or unsafe. As has been discussed previously the proposed scheme / use is not residential, but without further clarification from the applicant we might assume that a safe access route is essential at all times for maintenance & repair.

Senior Conservation Officer

Initial set of comments indicated no objection and no harm to the settings of listed buildings, Hazelbury Bryan Conservation Area and Dungeon Hill Scheduled Monument.

Considered there to be less than substantial harm to Cultivation Remains as a non-designated heritage asset, however the level of harm is acceptable.

Additional comments provided much later in the application regarding the other Scheduled Monuments of Rawlsbury Camp and Nettlecombe Tout.

Considered there to be less than substantial harm to the setting of Rawlsbury Camp based on a premise of visibility, associated to the scheme's overall scale and

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presentation within the broader setting of the landscape, with no clear or convincing justification.

Due to mature tree coverage, that there are no obtainable views from the summit of Nettlecombe Tout to the north. On this basis, views can only be assessed from a single extent located on the Nettlecombe Tout escarpment, NE elevation. Concluded that the scheme would result in no harm to the designated heritage asset.

However, it should be noted that when harm is assessed, in the context of Nettlecombe Tout and encompassing hillforts and, therefore, the perceived hillfort group, a conclusion of less than substantial harm is considered. This is based on a premise of visibility, associated with the scheme's overall scale and presentation within the broader, shared, setting of the landscape.

Senior Landscape Officer

Initial comments received 16 June 2021

Unable to support:

The site is located in a landscape that is highly sensitive to large scale solar PV development, and although the proposals include mitigation measures, I do not consider that these measures would satisfactorily offset the moderate-high adverse magnitude of change which would occur. This would result in a significant change in character of the local landscape and would also potentially adversely affect the setting of the AONB, most particularly given the interrelationship between clay/rolling vale character of the local landscape that the site is located in, and the chalk escarpment landscape of the AONB.

There would also be significant adverse effects on views from Rights of Way to the east of the site, most especially where these extend across the site to Dungeon Hill Scheduled Ancient Monument/the AONB to the west.

I do not believe that the landscape and visual impacts of the proposal have been fully assessed, and no restoration scheme has been provided...

*The adverse effects if the proposal could be reduced if it is **significantly** reduced in size and contained within the part of the site that is located in the Blackmore Vale LCA only, but the acceptability of this will need to be discussed further with the AONB Team.*

Further comments received 25 March 2022

Still unable to support:

- Although the proposals now include further mitigation measures, I still do not consider that these measures would satisfactorily offset the significant adverse landscape and visual effects that would occur;
- Still no restoration plan submitted;

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- The adverse effects if the proposal may however be satisfactorily mitigated if the part of the proposal that is located within the South Blackmore Rolling Vales LCAs is omitted, or if the further primary and secondary mitigation/compensatory measures suggested by Richard Brown of the AONB Unit are implemented;
- Clarification required on correct height of CCTV columns.

Further comments received 10 October 2022

- Parts of the site located within the South Blackmore Rolling Vales LCA has not been amended through the amendment.
- Defer to AONB team for determination on whether the further primary and secondary mitigation/compensatory measures have been satisfied.

Tree Officer

Initial comments received 3 November 2021

Unable to determine due to lack of required info:

- Amendments to layout to account for potential tree shading;
- Realignment of security fencing around tree RPAs;
- Soil improvement and management plan for veteran trees required;
- Detailed tree species details required;
- Site access should be clearly shown;
- Arboricultural Method Statement.

County Archaeologist

- No ridge-and-furrow survives as visible earthworks on the present site. Ridge-and-furrow is therefore not a matter for concern.

Planning Policy

No response received at the time of determination.

Natural Environment Team (NET)

No objections subject to conditions re. LEMP and CEMP.

Environmental Health

Recommend unexpected contamination condition.

Senior Ranger

No objection.

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- Footpath N46/20 is not as walked on the ground – should be diverted by legal order onto the walked route or definitive route should be opened up correctly;
- New footpaths should be to Council standards.

Mineral Planning Authority

No objection.

Lead Project Officer (CIL and Planning Agreements)

Unnecessary for there to be a s106 agreement, conditions would be sufficient.

NATS (National Air Traffic Services)

No safeguarding objections.

Dorset Wildlife Trust

No response received at time of determination.

Dorset & Wiltshire Fire and Rescue

Recommendations under Building Regulations.

The Open Spaces Society

Object until rights of way are protected or diverted within the site.

Representations received

214 representations have been received, including a letter from CPRE and a petition. A series of representations and supporting information has been received from a local community group named 'Save Hardy's Vale'.

192 of the representations object, 9 are in support and 8 make comment(s).

The material planning considerations raised in these are summarised below:

Objections

- Harm to landscape quality - visually incongruous feature, out of character;
- Oversized development, out of scale and proportion to surroundings;
- Harm to the setting of the Dorset AONB;
- Impact from public rights of way around and through the site;
- Flood risks – flood zones 2 and 3;
- Groundwater flooding;
- Increased surface water flooding from panel runoff;
- Flood risks on the local roads;

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- Adverse impact on heritage assets – less than substantial harm to Hazelbury Bryan Conservation Area;
- Would affect two conservation areas;
- Loss of prime farmland;
- Biodiversity mitigation and enhancements overstated;
- Impact upon local SSSIs and SACs;
- Cumulative landscape effect with other solar farms in North Dorset;
- Public benefits stated by applicants should be reduced/diminished, overstated CO2 figures;
- Lost sense of tranquillity and remoteness;
- Suggested access and egress routes and arrangements during flood events could be dangerous;
- Unsafe refuge within Flood Warning and Evacuation Plan;
- Flood risk sequential test submitted inadequate;
- Greenfield sites should not be for solar farms;
- Impact on amenity value of the area;
- Impact tourist value of the area;
- Destruction of natural habitat for wildlife, impact on great crested newts;
- 35 years is not a temporary period of time;
- No community benefits, not a community-led project;
- Impact on listed buildings;
- Highway safety during construction phase;
- Pollution from toxic materials;
- Impact on archaeology on the site;
- Conflicts with spatial strategy;
- Decommissioning and remediation of land;
- Solar energy has a diminishing requirement relative to other energy contributors and 'old technology' in comparison;
- Noise impacts during construction phase;
- North Dorset has already met its renewable energy target so development is not needed;
- CCTV and fencing too high;
- Hard standing areas would detract from reinstation;
- Access via narrow tracks would damage protected oak trees;
- Light pollution;
- Loss of green space;
- Fire risks associated with solar arrays;
- Landscape has cultural and artistic significance associated with Thomas Hardy;
- Social and economic impact from loss of farmland;
- Glare towards neighbouring properties;
- Fencing would provide feeling of entrapment and block wildlife;
- Would not offer local employment;
- Screening would be insufficient to mitigate visual effects;

Support

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- Site lends itself well due to being poor grade agricultural land;
- Site can return to agricultural land once no longer needed;
- Need embrace solar energy in light of climate change;
- Would contribute to local and national carbon reduction measures and respond to Council's climate and ecological strategy;
- Land has moderate to low biodiversity and used for industrial scale livestock farming;
- Would enhance biodiversity, planting new hedgerows and tree belts along wildlife margins and corridors;
- Carefully chosen, low-lying and well-contained site that impinges to a minimal extent on public enjoyment of the wider surrounding countryside;
- Important for future generations;
- More renewable energy is required in Dorset to address climate crisis;
- No noise;
- Minimal traffic;
- Visual impact would be low;

Comments

- Good idea to have charging station for EV

10.0 Relevant Policies

Development Plan

North Dorset Local Plan Part 1 (2016)

Policy 1 – Presumption in favour of sustainable development

Policy 2 – Core Spatial Strategy

Policy 3 – Climate Change

Policy 4 – The Natural Environment

Policy 5 - The Historic Environment

Policy 20 - The Countryside

Policy 22 – Renewable and Low Carbon Energy

Policy 24 - Design

Policy 25 – Amenity

Material Considerations

National Planning Policy Framework (2021)

1. Introduction

2. Achieving sustainable development

4. Decision-making

6. Building a strong, competitive economy

11. Making effective use of land

14. Meeting the challenge of climate change, flooding and coastal change

15. Conserving and enhancing the natural environment

16. Conserving and enhancing the historic environment

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Other material considerations

Dorset AONB Management Plan 2019-2024

Relevant UK legislation and strategies include:

- * Energy Act (2016)
- * Climate Change Act (2008)(as amended)
- * UK Renewable Energy Strategy (2009)
- * Energy Security Strategy (2012)
- * Renewable Energy Roadmap (updated 2013)
- * Clean Growth strategy (2017)

Environmental Impact Assessment (EIA)

An EIA Screening Opinion application (Ref: 2/2020/1268/SCREIA) was submitted to the LPA prior to the submission of this planning application.

In the application under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the LPA confirmed that the proposal falls with the description as at paragraph 3(a) of the table in Schedule 2 of the 2017 Regulations and, since the proposal exceeds the threshold, it is considered 'Schedule 2 development' within the meaning of the 2017 Regulations.

The application also sought to screen and assess whether an Environmental Impact Assessment would be required for any of the considerations in respect of the nature, size and location, with particular regard to the characteristics of the development, location of the development and characteristics of the potential impact. The likely impacts have been considered having regard to the construction, operation and decommissioning stages of the development.

In this regard, the LPA determined that, having taken account of the selection criteria in Schedule 3 of the 2017 Regulations and the surrounding constraints, there would be additional significant impacts on the local landscape and environment and, thus, the proposal would amount to EIA development. Thus, any forthcoming application for planning permission in respect of this proposal would need to include an Environmental Statement that is compliant with Regulation 2(1) of the 2017 Regulations. The applicants have provided an Environmental Statement with the application and amended relevant sections of this accordingly during the course of the application.

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

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This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. No impact on persons with protected characteristics has been identified.

13.0 Financial benefits

- Employment, particularly during the construction and decommissioning phases of the development, as well as statutory and site operators during the lifetime of the solar farm.
- £28,029 conservation payment, secured by a Unilateral Undertaking, to mitigate against Great Crested Newts.

14.0 Climate implications

- 14.1 NPPF paragraph 158 sets out that when determining planning application for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. It also sets out that applications should be approved if the impacts are (or can be made) acceptable.
- 14.2 Dorset Council accepts that energy needs to be produced from renewable sources and the Council must aim to provide this within its administrative area. The Council recognised this by declaring a climate emergency at a meeting on 16 May 2019, with the aim of taking a lead as an authority in tackling climate change. In November 2019 this was escalated to a Climate and Ecological Emergency.

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- 14.3 The proposed development involves the installation of a renewable energy scheme comprising of ground mounted photovoltaic solar arrays. The scheme will have an approximate export capacity of 47MW, and potentially a maximum export capacity of 49.99MW, which equates to the generation of clean renewable energy of between approximately 11,745 to 13,000 homes a year and anticipated CO2 displacement is at least 10,402 tonnes per annum. This represents an emission saving equivalent of a reduction in around 5,841 cars on the road every year.

15.0 Planning Assessment

- 15.1 The main issues for this application, including those identified by Policy 22 of the Local Plan, are considered to relate to be:
- Principle and countryside location of development;
 - Flood risks;
 - Visual and landscape impact;
 - Heritage impact;
 - Impact on agricultural land;
 - Highways and transport impact;
 - Residential amenity (shadow flicker, noise and vibration);
 - Habitats and biodiversity;
 - Impact on protected trees;
 - Impacts identified by local communities;
 - Decommissioning and restoration.

Principle and countryside location of development

- 15.2 There is clear planning policy support for new renewable energy development in principle.
- 15.3 Both section 14 of the NPPF and the supporting text for Policy 22 of the North Dorset Local Plan state that LPAs do not require applicants to demonstrate the overall need for renewable energy development and that applications for such proposals should be approved if the impacts are (or can be made) acceptable.
- 15.4 Policy 3 of the Local Plan is the overarching policy with regards to climate change and states that development proposals within the District should seek to reduce greenhouse gas emissions, including appropriately sited renewable and low carbon energy developments. The supporting text for Policy 3 recognises that some renewable or low carbon energy developments may be large-scale and require a countryside location. This is also acknowledged in Policy 20 of the Local Plan and set out further in Policy 22.
- 15.5 Policy 22 of the Local Plan is the specific policy relating to renewable and low carbon energy proposals. It states that:

“When considering proposals for electricity generation from renewable or low

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carbon sources, the social, economic and environmental benefits of the scheme should be assessed against the likely impacts. Such a proposal is likely to be permitted in principle, provided it can be demonstrated that:

- a) both individually and cumulatively, all adverse impacts arising from the proposal have been satisfactorily assessed; and
- b) the proposal has maximised the potential to mitigate any adverse impacts that have been identified; and
- c) the actual benefits that the scheme will deliver outweigh the adverse impacts that remain.”

15.6 These criteria are discussed later in the report and in the planning balance section.

15.7 Policy 22 adds that:

“Potential adverse environmental impacts (together with measures to mitigate such impacts) that will be assessed in relation to any proposal include: visual impact; impacts on biodiversity, the landscape, the historic environment including designated and non-designated heritage assets, the water environment and agricultural land.

In addition, in assessing the adequacy of mitigation measures in relation to a proposal it will be expected that:

- d) the proposal’s location has been identified having regard to sites that make best use of existing transport infrastructure and the minimisation of traffic movements whilst providing safe access; and
- e) any issues of, noise and vibration or interference to radar or any communication systems including televisions can be fully overcome; and
- f) early meaningful consultation has been undertaken with people in the locality that might be adversely affected by the proposal and clear regard has been had to the responses received; and
- g) the proposal incorporates an agreed restoration scheme including measures to remove installations when operations cease.”

15.8 These matters are appraised in following sections of the report.

15.9 The policy concludes by identifying potential benefits to be assessed and these would include:

“h) the amount of heat or electricity that is likely to be generated from the proposed renewable or low carbon energy development and the consequential reduction in greenhouse gas emissions; and

i) local community benefits, including jobs, investment in the local economy, community ownership or shareholding of a scheme and local provision of

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renewable and low carbon energy, for example, through a district heating network.”

- 15.10 These latter two points are appraised below and support the principle of the development.
- 15.11 The amended scheme would generate approximately 47MW of renewable energy per annum, exported to the National Grid, which would be enough to power approximately 11,745 homes each year over its proposed 35 year lifespan. The consequential displacement of CO₂ is estimated at some 10,402 tonnes per year. Should higher powered panels be on the market once the development commences it is possible that the power output could be increased up to 49.99MW (equivalent to powering 13,000 homes) without affecting the footprint covered by the solar farm.
- 15.12 The latter figure is disputed by the third party Save Hardy's Vale community group (SHV) who claim that, based on annual average carbon intensity figures from 2020 (which are not referenced in their representation), the displacement of CO₂ from the proposed development would be closer to 9048 tonnes per annum and, thus, the magnitude of public benefit in this sense should be reduced. Even if the unverified lower figure was the actual displacement figure, such volume of CO₂ displacement is very significant and represents a very substantial public benefit.
- 15.13 A CPRE report dating from June 2019 entitled 'Renewable Energy Generation Projections' has been provided by SHV to evidence that the North Dorset local authority area has already exceeded a 2020 target for low carbon energy.
- 15.14 As recent appeals have confirmed, there have been a series of policies, statements and legal obligations over a number of years (including the NPPF the Net Zero Strategy: Build Back Greener) which all seek to encourage renewable energy developments where they are appropriate. It is clear from these that decarbonisation will rely very heavily on wind and solar power and that the national need is significantly greater than the capacity of current projects.
- 15.15 Of great significance is the fact that the Council declared a Climate Emergency in May 2019 and, since this time, have published a Climate and Ecological Emergency Strategy in July 2021,. The Strategy indicates that it is the Council's aim to be carbon-neutral by 2040 and to support the wider county to be carbon neutral by 2050.
- 15.16 To help achieve this, the Strategy states that all energy current provided by fossil fuels for heating, transport and electricity will need to come from a low-carbon source and from renewable energy sources (or nuclear), with all transport switching to electric batteries or hydrogen. One of the Strategy's headlines is that under the greenest scenario energy demand in the Dorset Council area will need to be around 4 billion kWh/yr. For Dorset to play its fair

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share and generate 100% of its own energy demand the Council will need to accommodate around 4GW of solar (around 19,000 acres) or 2GW of wind (around 700 big turbines), or a combination of the two.

- 15.17 The Strategy confirms that the Council has already made some progress towards this, with 480MW (around 10%) of renewable energy installed between 2010 and 2016. Whilst there have been some planning permissions granted for sizeable solar farms in the Dorset Council area since 2016, deployment has stagnated somewhat due to planning restrictions imposed and the removal of all subsidies.
- 15.18 By providing at least 47MW and up to 49.99MW of renewable energy, the solar farm would make a valuable contribution to this very ambitious demand. This weighs very heavily in favour of the proposed development.
- 15.19 In terms of economic benefits, the applicants have indicated that the proposed development would support approximately 120 temporary jobs during the construction phase and, where possible, local contractors would be sought. During the operational phase, there would be permanent roles for a Technician and Maintenance Operative and contractors would be required for grounds maintenance, panel cleaning, etc. These roles would also incorporate working on other solar and battery projects so they would not be solely allocated to the site. These contracts and roles will be available to local businesses/contractors.
- 15.20 These economic benefits are important considerations that can also be given moderate weight.
- 15.21 The solar farm element of the scheme would provide a clean, renewable and sustainable form of energy and would accord with the thrust of the UK Solar PV Strategy. It would assist in meeting the Government's commitment to achieving 'net zero' carbon emissions by 2050 and make a valuable contribution towards cutting greenhouse gas emissions. In combination with other renewable and low carbon energy schemes it would assist in tackling climate change. These wider environmental benefits can be given substantial weight in the planning balance.
- 15.22 The development would bring very substantial public benefits in terms of national and local renewable energy generation and meet key Local Plan objectives. As set out in policies 3, 20 and 22 of the Local Plan, the principle of the solar farm is acceptable.
- 15.23 These public benefits must be weighed against any adverse impacts. These are discussed in more detail in the sections that follow.
- 15.24 With regards to the limited time period sought for the proposed development to be in situ, whilst the development would be reversible (and controlled by condition in this sense), a 35 year period spans a large part of an adult lifetime. There are also no guarantees that planning permission would not be granted to extend the time period or replace the solar farm altogether. As

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such, very little weight can be given to the reversibility and 'temporary' nature of the scheme.

Flood risks

15.25 The site does not avoid flood risk areas, which is perhaps unsurprising for a site that amounts to 77ha in the countryside. The applicant's site-specific FRA and information available to officers indicates that the site is affected by flooding from the following sources:

- Main rivers - parts of the site, including a section of the main access, fall within flood zones 2 and 3 i.e. high risk areas for fluvial flooding;
- Surface water - low, medium and high surface water flood risks associated with two watercourses flowing through the site: 'Short Wood Brook' and 'Parsonage Farm Brook';
- Groundwater - groundwater levels either at or very near the surface in fields 4, 6, 7, 8, 9, 16 and 17.

15.26 The NPPF and PPG advise that the flood risk sequential test should be applied to major development that is proposed in areas at risk from flooding. As highlighted above, there are portions of the site that are at risk from different sources of flooding. Whilst the applicants have applied a sequential approach to the location of development within the application site, having particular regard to high risk flood zones, the extent of the red line application site does still include such risks and, thus, it is appropriate for the sequential test to be application in this instance.

15.27 The Lead Local Flood Authority (LLFA) recognise that the existing modelling used to map the extent of the flood zones does not include any allowance for climate change. At the time of determination, the Council has not published an updated SFRA level 1 for the Dorset area, which will seek to provide climate change extents for fluvial flood risk or provide advice as to how future climate change uplifts should be considered if models are not available.

15.28 Policy 3 of the Local Plan requires development proposals to avoid areas at risk of flooding, having regard to the sequential and exception tests set out in the NPPF. Paragraph 162 of the NPPF makes it clear that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

15.29 The applicants are correct in their assertion that solar farms are considered as "essential infrastructure" for the purposes of the flood risk vulnerability classification (Annex 3 of the NPPF). This classification, along with Table 2 in the PPG, informs whether the development is required to apply and pass the Exception Test, in addition to the initial sequential test. Unlike some of the other classifications that include, for example, dwellinghouses and community facilities, Table 2 does not indicate that developments classified as "essential

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infrastructure” should categorically not be permitted, even if within a functional floodplain (flood zone 3b) with the highest fluvial risk factor. Instead, the table indicates that essential infrastructure developments that are within flood zone 3a/3b are required to apply and pass the Exception Test.

- 15.30 The flood risk vulnerability classification does not identify ‘access road’ or similar in any of the classifications. The closest comparison is ‘essential transport infrastructure’ (which is also classified as “essential infrastructure” within the table). This type of development is likely to be more akin to major road networks in strategically appropriate locations, as opposed to a single lane track enabling access to a solar farm. Notwithstanding this, the PPG does advise that where some developments contain different elements of vulnerability it is the highest vulnerability category that should be used, unless the development is considered in its component parts. The access road is fundamental to the construction and continued operation of the solar farm and, therefore, not considered a separate component. Thus, the higher vulnerability category of “essential infrastructure” prevails regardless of any debate there may be with regards to the access classification.
- 15.31 The applicants have indicated that the proposed site access is the only route available which connects to the public highway crossing land in the ownership of North Dairy Farm. Any other option would require another third-party land to be crossed; land which is either not available or would also be within the high risk flood zones.
- 15.32 The applicants have provided a Sequential and Exception Test document with the submission. The document concludes that there are no comparable sequentially preferable sites that are reasonably available to develop for the proposed development proposed and that, therefore, the Sequential Test is passed. The document also carries out the Exception Test and indicates this is also passed.

Sequential Test

- 15.33 Whilst considering the applicant’s submission, officers have also separately considered the application of the sequential test and a view as to whether or not this has been passed.
- 15.34 The applicant’s spatial scope of search was limited to a 1km corridor either side of the overhead power line on the rationale it would allow a feasible point of connection to the electricity network. The applicant succinctly explains that the vast majority of alternative sites within this corridor were discounted because they were either unavailable i.e. no response was received, or otherwise unsuitable. The applicants concentrate on 3 options, one of which includes the application site. The other two holdings were deemed to be either unavailable or not suitable as it would not be possible to form a point of connection to the grid over adjacent land in separate ownership.

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15.35 Regarding the 'area of search' for applying the sequential test, the PPG advises that:

“For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives... For nationally or regionally important infrastructure the area of search to which the Sequential Test could be applied will be wider than the local planning authority boundary.”

15.36 Officers consider that the applicant's sequential test does not include a clear or full justification for limiting the scope of their search to alternative sites along either the broader corridor or the 1km area around the proposed 'Point of Connection' to the electricity grid, other than to reference that sites outside these areas are not likely to be suitable because of limited scope to form an appropriate connection to the electricity network.

15.37 Whilst achieving a suitable point of connection between a development generating renewable energy and the electricity grid is a relevant consideration when assessing site suitability, it does not provide justification for limiting the spatial search for alternative sites, particularly where similar types of development have received planning permission in Dorset Council outside the 1km corridor area identified by the applicant. There do not appear to be any specific local circumstances for further limiting the scope of the search to the 1km area suggested by the applicant.

15.38 Renewable energy is required across the Dorset Council area to mitigate the impacts of climate change and to help meet the legislative requirement of reducing greenhouse gas emissions by at least 100% of the 1990 levels by 2050 (Climate Change Act 2008). The Council has considered and given planning permission for other solar PV arrays in its area. Thus, as renewably generated energy will make a positive contribution to mitigating climate change across the council area, and government's legislative targets for reducing greenhouse gas emissions relates to the country, officers consider that there is a justification for searching for alternative sites across the whole Dorset Council area.

15.39 In terms of considering potentially suitable alternative sites across the Dorset Council area officers have given consideration to the following:

- sites with extant planning permission for solar photovoltaic arrays;
- any suitable sites in the Council's land availability assessments;
- allocations for solar photovoltaic arrays in adopted local or neighbourhood plans;

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- any broad areas identified in supporting evidence relating to development which will generate renewable energy.
- 15.40 The PPG also states that councils should take account of 'reasonably available sites' when assessing the suitability of alternative. These are considered sites in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.
- 15.41 Some of the parameters identified by the applicant are also accepted as relevant when considering the suitability of alternative sites and these include:
- potential to form a point of connection to the grid;
 - suitability for generating electricity from solar energy;
 - other restrictive planning considerations – designated heritage assets, designated landscapes, protected habitats;
 - availability.
- 15.42 Through assessment, officers can identify other sites with extant planning permission which have a lower risk of flooding relative to North Dairy Farm. However, collectively, these sites are forecast to generate approximately 39MW of renewable energy, at least 8MW less than the minimum capacity for the development proposed (47MW). Another large site with a forecast delivery of 40MW has also been identified but with a similar degree of the site affected by flood risks and some uncertainty with regard to the true full potential of flood risks on the site and, thus, officers cannot state with certainty that there would be lower risks of flooding on this alternative site. Of the sites that can provide more certainty on this matter, it is clear that these available alternatives do not collectively represent a suitable alternative to North Dairy Farm.
- 15.43 Only two sites were promoted for solar photovoltaic arrays or renewable energy as part of the council's Strategic Housing Land Availability Assessment (SHLAA), both similarly in countryside locations. However, at the time of determination, the Council has not received planning applications for either of these SHLAA sites and, thus, it cannot be said with certainty that solar arrays could be delivered on these sites within the next five years.
- 15.44 It is worth noting that the Landscape sensitivity assessments for wind and solar energy development conducted in North Dorset District (April 2014) and Purbeck (April 2014) identify broad areas which may be less sensitive to larger scale (with site areas exceeding 30 hectares) solar photovoltaic development. However, neither of the assessments state whether land is available for development with solar photovoltaic arrays.

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15.45 On balance, officers consider that there are insufficient reasonably available or appropriate sites that are capable of providing the forecast renewably generated electricity that is expected from the proposed solar farm where the risks of flooding are lower than the application site. Accordingly, it is satisfied that the flood risk sequential test is passed.

Exception Test

15.46 In terms of the requirement for the Exception Test for the type and vulnerability classification of development proposed, Table 2 in the PPG sets out the circumstances when the test should be required and this indicates that it is flood zone areas (relating to rivers and seas) that determine whether or not the Exception Test is applicable. It does not include or take in to account the risk factor from other sources of flooding, with a note to the table even pointing out that “This table does not show the application of the Sequential Test which should be applied first to guide development to the lowest flood risk areas; nor does it reflect the need to avoid flood risk from sources other than rivers and the sea”.

15.47 Paragraph 164 of the NPPF states that:

“The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”

15.48 Paragraph 165 adds that “both elements of the exception test should be satisfied for development to be allocated or permitted.”

Wider sustainability benefits to the community that outweigh flood risk (part a)

15.49 The applicant’s Exception Test assessment considers the following as wider sustainability benefits to the community:

- a clear form of sustainable development, generating clean renewable energy and helping reduce carbon emissions which are required to meet the Climate Act 2050 net zero target.
- At least 47MW and up to 49.99MW of clean renewable electricity to the National Grid, providing the equivalent annual electrical needs of between approximately 11,745 and 13,000 family homes. The anticipated CO2 displacement is between 10,402 and 13,000 tonnes per annum, which represents an emission saving equivalent of a reduction in c. 5,841 cars on the road every year.

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- significant biodiversity enhancements (74.58% habitat net gain and 49.83% hedgerow net gain), allow for soil regeneration, greatly improve nature corridors and connectivity and represent an important farm diversification project, with indirect socio-economic benefits, at a time challenging to the UK farming industry.
- not significantly adversely affect landscape designations, biodiversity (in fact a significant biodiversity net gain would be delivered), the historic environment, flood risk, transport and road safety, would use non-prime agricultural land and that residential amenity is demonstrably protected from noise and glint and glare impacts.
- The Applicant has carefully selected the Application Site within the overall North Dairy Farm landholding to ensure environmental impacts arising from the Proposed Development are minimised as far as possible. In addition the design of the Proposed Development as proposed to be positively managed through the LEMP (Document Ref: R009), has secured the protection, restoration and enhancement of key landscape structures and multiple benefits for wildlife.
- There is an urgent requirement for the Proposed Development to meet National Grid infrastructure requirements, meet community energy needs and to deliver the infrastructure necessary to support the transition to a low carbon energy sector and manage the intermittency factors that relate to use of renewable energy.

15.50 Under this element of the Exception Test the PPG advises that “Local planning authorities need to set their own criteria for this assessment, having regard to the objectives of their Plan’s Sustainability Appraisal framework, and provide advice which will enable applicants to provide relevant and proportionate evidence.” The LPA has not published its own set of criteria for this specific assessment and the Local Plan is otherwise silent on the matter of the Exception Test.

15.51 However the Local Plan’s Sustainability Appraisal framework, which acted as a pre-submission record of the Sustainability Appraisal and Strategic Environmental Assessment of the North Dorset Local Plan Part 1, set out a number of objectives. The sustainability framework includes 16 objectives each focused on particular aspects of sustainability. Of relevance to the proposed development in terms of particular aspects of sustainability are:

- Objective 6 – Reduce the impact of climate change, including flood risk and make best use of the opportunities that arise;
- Objective 7 - Protect and where opportunities arise, enhance habitats and biodiversity;
- Objective 9 - Recognise the importance of the district’s distinct rural landscapes beyond just the aesthetic value;
- Objective 12 – Promote energy and resource efficiency, encouraging clean energy production.

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- 15.52 The Framework recognised that “Clearly there are conflicts between the different SA objectives particularly where objectives are “pro-growth”... and those which seek to protect the environment... Although this conflict is apparent, overall the SA objectives are considered to give a balance between social, economic and environmental objectives.”
- 15.53 It is apparent that these pre-submission objectives in the Sustainability Appraisal framework, devised to support the production of the Local Plan, were carried through to the publication of the development plan itself.
- 15.54 The headline Objective 1 in the adopted Local Plan relates to ‘Meeting the Challenge of Climate Change’, with the Local Plan explicitly stating that this objective is to “address the causes and effects of climate change by... encouraging the use of renewable energy technologies appropriate to the local area...”
- 15.55 In consideration of the applicant’s assessment and the objectives of the adopted Local Plan, officers consider that the wider sustainability benefits to the community resulting from the solar farm would outweigh the flood risks which, insofar as fluvial risks (flood zones) that invoke the requirement of the Exception Test, may affect only the existing access road that leads into the main part of the site. Thus, part a) of the paragraph 164 test is satisfied.

Will the development be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall (part b)

- 15.56 The applicants have provided a Flood Risk Assessment (FRA) with the planning application. In terms of mitigation measures proposed, the applicants explain in their FRA that a sequential approach has been taken in the layout of the scheme whereby the most vulnerable parts of the development would be located in areas at the lowest risk of flooding. In this regard, the substation and transformer stations would be located outside both the fluvial and low surface water extents.
- 15.57 Furthermore, the majority of the solar arrays themselves would be installed within flood zone 1 and outside the areas of medium and high surface water risks. Whilst a small number of solar arrays would be located within the surface water extents where estimated depths are less than 0.6m, the solar panels would be elevated at least 0.8m above ground level and, therefore, not impede flow or displace floodplain storage.
- 15.58 The FRA states that the access track, which provides a means of access and egress to the main part of the site, could flood during the 0.1% AEP event to an estimated depth of between 0.5m and 1m, and this has been accepted by the Environment Agency (EA). In terms of hazard rating, there to potentially be a ‘danger for all’ i.e. a danger for the general public including the emergency services, however the EA have commented that such depths amounts to a less severe rating of ‘danger for most’.

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- 15.59 However, the FRA also indicates that it is anticipated that personnel would only be on site during the construction phase of the proposed development, a period of approximately 5 months, and otherwise only for occasional maintenance visits once construction has been completed. There will be no other personnel present at the site for the majority of the operational lifetime of the development and the development would not be accessible for the general public. The developer and maintenance contractor would sign up to the EA's flood warning service for the local area. This would ensure that all personnel would have sufficient time to leave the site or reschedule their planned visits.
- 15.60 On this basis, the applicants consider that any future users of the development would be safe during the design flood event for the operational lifetime of the development.
- 15.61 During the course of the application the EA have advised that lives will not be at risk if an access road for a solar farm is sited within flood zone 3. There are some risks to consider but potential loss of life and property/livelihoods are not part of those.
- 15.62 The EA have also advised that, given the nature of the development, even if it is not possible to provide 'safe' access/egress, the LPA may consider it appropriate to provide a site-specific solution to flood risk management by requiring a site specific Flood Warning & Evacuation Plan.
- 15.63 Accordingly, the applicants have provided a Flood Warning & Evacuation Plan (FWEP) during the course of the application (produced by the same consultant who authored the FRA). The FWEP sets out what actions should be undertaken before and during a flood event, such as: signing up to the Government's Flood Information Service; re-schedule site visits; and familiarisation with the evacuation route. The FWEP also states that a 'safe refuge' with emergency flood kit would be provided on site and within a flood zone 1 area to ensure any personnel caught on site would be safe during the design flood event for the operational lifetime of the development.
- 15.64 The generic advice given to the LPA from the Emergency Planning team is that site operators should sign up to the EA flood warning service and ensure that they have appropriate evacuation plans in place and safe places to go to should the need for evacuation occur. The onus is on the author of a FWEP to have professional confidence that it would be effective and can be implemented appropriately. Officers consider that there are no reasons to doubt the appropriateness of the FWEP submitted. It is considered proportionate to the nature of the development and vulnerability to the limited number of users i.e. construction workers and, thereafter, site operators only. The FWEP can be conditioned to ensure it is adhered to.
- 15.65 With these points in mind, officers consider that the development will be safe for its lifetime, taking account of the vulnerability of its users, without

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increasing flood risk elsewhere. Thus, part b) of the paragraph 164 test is also satisfied.

15.66 With both parts of paragraph 164 of the NPPF passed, the Exception Test is, in turn, also passed.

Surface water flood risks

15.67 With regards to surface water flood risks, the LLFA have been consulted as the experts on such matters.

15.68 The LLFA advise that a 1 in 100 year surface water flood extent is considered 'not insignificant or trivial' i.e. it may negatively impact any proposed development. Only two locations within the site are at a non-trivial risk of flooding and the applicant is not proposing to develop these areas.

15.69 SHV have submitted comment and reported flooding to the area allocated for a temporary construction compound. This equates to a very limited data set in hydrological terms and time periods and again would not be sufficient, by itself, to justify a sequential approach to the 1 in 1000-year pluvial event, particularly since the compound proposed is not to be a permanent structure and any contractor will need to ensure that their site is managed so as to avoid flooding of temporary construction facilities. Notwithstanding this, the LLFA have recommended a condition requiring further detail around management of surface water during the construction phase.

15.70 With respect to the solar arrays themselves and 1 in 1000-year flow paths, a sequential approach has been taken across most of the site in terms of their siting. It is also material that the panels are raised well above ground level. As such, no objections have been raised by the LLFA on flood risk mitigation and management grounds, subject to conditions.

15.71 The LLFA do also acknowledge that, regardless of prevailing risk, development, through introduction of impermeable areas, has the potential to exacerbate or create flood risk if runoff is not appropriately considered and managed as evidenced by a substantiated surface water strategy. Ordinarily therefore, and in keeping with the requirements of the National Planning Policy Framework (NPPF), all major development proposals must take due consideration of SW water management and should offer a drainage strategy that does not create or exacerbate off site worsening and should mitigate flood risk to the site. The impact of raised solar panels, however, which allows flows to reach the ground, has less impact than usual residential or commercial development.

15.72 With respect to surface water management, the LLFA advise that it is generally accepted that raised solar panels do not reduce infiltration to the ground in the same way that traditional development does as panels allow water to spill onto the grass-covered ground. It is acknowledged, however, that it can cause erosion. SuDS can be useful for storing flow to prevent turbid

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runoff from discharging into the natural environment. In this regard, the applicant proposes to implement interception swales as mitigation.

15.73 The applicant's reliance on an academic paper authored by Cook & McCuen in their FRA has drawn criticism from SHV. However, the applicant's approach is consistent with similar solar farm application sites across Dorset and other Local Authorities. There is no reason why the conclusions reached cannot be extrapolated to larger sites. No evidence has been presented to refute these studies.

15.74 An acceptable and viable Drainage Strategy has been offered for access tracks and for the transformer and substations. This is subject to detailed ground investigation to establish infiltration rates and detailed design of the proposed SuDS.

15.75 The LLFA have accepted that the concerns regarding soil management during construction and operation, including incidental creation of bare earth areas, reduced grass cover (due to shadow) and potential for erosion are all valid. Concerns regarding the location and sizing of the proposed swales are also noted. However, the LLFA consider that these matters can be overcome by use of conditions. Through the imposition of conditions the applicants will be expected to:

- Provide a detailed Soil Management Plan to outline how over compaction will be avoided both during and post construction;
- Supply a detailed surface water management and maintenance plan, which outlines how any SuDS features will be maintained, and by who, and how grass cover will be maintained and inspected and by who;
- Provide a detailed drainage design which covers the access roads, any areas of hard standing and swales.

15.76 The LLFA have taken representations and further supporting documentation from SHV into account with their comments.

15.77 The EA have also raised no objections subject to a condition regarding a CEMP.

Groundwater

15.78 Areas with the '*potential for groundwater flooding to occur at surface*' (Fields 4, 6, 7, 8, 9, 16 and 17) correspond to the presence of River Terrace deposits identified by BGS online Geology of Britain Viewer, the River Lydden and Parsonage Farm Brook. The groundwater flood risk is related to the fluvial flooding of the River Lydden, Short Wood Brook and Parsonage Farm Brook. There are no borehole records in the vicinity of the site within the River Terrace Deposits. However, in the unlikely event of groundwater emergence, the LLFA have advised that any groundwater flooding is likely to be shallow and could be mitigated alongside the fluvial and surface water flood risk.

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Flood risk conclusion

15.79 By virtue of the access track that would enable construction workers and site operators to access the main bulk and 'development area' of the site crossing the River Lydden and passing through the functional floodplain (flood zone 3b), it is not possible for all of the development site to be located within the lowest flood zone. Both the Sequential Test and Exception Test is applicable for the proposal. Both have been satisfied, as per the requirement of paragraph 165 of the NPPF to enable the granting of planning permission.

15.80 Paragraph 167 of the NPPF sets additional criteria to be met with regards to flood risk mitigation. The application is supported by a site-specific FRA. Regarding the paragraph 167 criteria, the FRA and information provided with the application indicates that:

- a) The most vulnerable parts of the development i.e. the substation and transformer stations, would be located in the areas of lowest flood risk within the site;
- b) The solar farm has been designed to remain operational in all flood events, with panels and inverter stations all located within flood zone 1 and elevated above all flood levels;
- c) The applicants have argued and provided academic evidence that SuDS are not required to manage solar farm surface water runoff. The LLFA have, however, recommended conditions whereby the implementation of SuDS can be reviewed as part of an overall surface water management and maintenance plan;
- d) Any low residual risks that there may be could be safely managed by implementing measures in the FWEP;
- e) A FWEP has been provided with the application and is considered acceptable and can be conditioned. The Plan includes details of the escape route, which is effectively the same as the access. As a worst case scenario it is also noted that there are public rights leading from out from the site and to potentially safer escape routes.

15.81 Officers are satisfied that, taking comments received from the EA and LLFA into account, the proposed development would be made safe for its lifetime without increasing flood risk elsewhere. Furthermore, officers are satisfied that the scheme would meet all of the criteria set out in paragraph 167 of the NPPF and comply with Policy 3 of the Local Plan.

Heritage impact

15.82 In terms of the historic context of the site and its surroundings, the Council's Senior Conservation Officer notes that:

"The landscape was likely occupied and settled during the Iron Age at least; the presence of Dungeon Hill hillfort, approximately 3.2 km to the west of the site, suggests a settlement focus there in the Late Iron Age and perhaps an associated agricultural hinterland. During the medieval period, it is likely that

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the site formed part of the agricultural land associated with Pulham, Hazelbury Bryan and/or the manor at Cannings Court. HER records cultivation remains in the north east part of the site, confirmed on LiDAR as being consistent with ridge-and-furrow earthworks, probably of the late medieval period. However, the field shapes are perhaps more consistent with piecemeal enclosure of common or otherwise marginal land rather than with a single-event enclosure of open arable fields. At the time of the mid-19 century, the whole site was part of the wider estates of absentee landowners... Tithe Maps reveal that the general shape of the constituent fields was in place by this time under a mixture of pastoral and arable use. The existence of these boundaries at this time indicates that the majority of the hedgerows around the site will likely qualify as 'important' under the Hedgerow Regulations 1997... Other than some amalgamations of smaller fields and the removal of small buildings south east of Cannings Court, no significant changes appear to have occurred within the site by 1887 or thereafter. By the former date North Dairy Farmhouse had been built and developed into a courtyard farmstead on the site of some earlier buildings, whilst Boywood Farm had also been constructed in one of the fields."

15.83 There are no designated heritage assets on the site. However, owing to the 77ha extent of the site, the significance of heritage assets, including contribution made by their settings, could potentially be affected by the proposed development. These assets are identified below:

Designated heritage assets

- Hill Fort and Later Strip Lynchets on Dungeon Hill (Scheduled Monument)
- Rawlsbury Camp (Scheduled Monument)
- Nettlecombe Tout (Scheduled Monument)
- Cannings Court Farmhouse (grade II listed building)
- Old Boywood Farm (grade II listed building)
- Hazelbury Bryan Conservation Area

Non-designated heritage assets

- 'Cultivation Remains'

15.84 The impact on heritage assets has been assessed by the applicants in their Heritage Statement, which includes archaeology considerations.

15.85 The Council's Senior Conservation Officer has been consulted on the application. Historic England were also consulted but as there are no designated heritage assets of the highest significance (grade I, grade II* and Scheduled Monuments) that would be affected no comments have been offered by Historic England.

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Hill Fort and Later Strip Lynchets on Dungeon Hill

- 15.86 The significance of this designated asset of the highest significance (Scheduled Monument) derives from contributory elements of its setting, with the two most relevant elements comprising: potential visual impacts affecting the commanding views from the hillfort and the potential change to the character of the surrounding landscape. As mentioned, Historic England have decided against commenting on the planning application, thus this consideration is carried out at Council officer level.
- 15.87 Based on the merit of their siting and relationship to the encompassing environment, the setting of each hillfort is of principal importance in revealing the significance of their relevance and purpose through historical associations and relationship within the wider presentation of the natural environment. This is typically exhibited through the format of an intentional hillside vantage point that facilitates the surveying of wide, panoramic views across vast distances of many miles. Therefore, each extended bi-directional view and the associated attributes within each view, form a fundamental element that strongly contributes toward the ability to appreciate the significance of a hillfort within both its immediate setting and broader landscape extent.
- 15.88 The application site is situated some 3.4km from the edge of the Dungeon Hill area. Though the prominence of this hillfort is now much reduced owing to tree cover and on private land, the siting and dominance of the site can be appreciated from the public right of way passing just below the asset (S10/7), which affords long views to the east. Views out of the hillfort itself are heavily filtered by tree cover on all sides. In terms of visual impact, from this position it is not considered that the proposed development would form a particularly visible or prominent element in the wider landscape owing to the distance and relief of the land.
- 15.89 In terms of the character of the surrounding landscape, though this has changed considerably since the Iron Age, the land remains undeveloped and agricultural, conditions which prevailed at the time of its construction and occupation. Even small developments can potentially affect these elements of setting, but such effects naturally diminish with distance.
- 15.90 In this case, given that there is a considerable distance between the application site and the scheduled monument and that the development is relatively low-lying (when compared with new buildings), officers do not consider that it will represent a significant change to this surrounding character. As such, officers do not consider that the proposed development would result in any degree of harm to the asset's significance.

Rawlsbury Camp

- 15.91 Rawlsbury Camp Iron Age hillfort forms one of a collection of significant hillforts in Dorset that are linked together through an associative value relating to their character and purpose to survey a degree of wide panoramic views,

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often extending across counties. Rawlsbury Camp facilitates clear, extended views to the north and north-west, toward Pulham, and beyond. From a landscape perspective, the asset can also be appreciated as sitting in the foreground of a panoramic vista from an area of open access land just to the north east of it, whereby the proposed development would be discernible within the vale, some 4-4.5km distant.

- 15.92 The applicant's Heritage Statement (HS) submitted with the application makes reference to Rawlsbury Camp, acknowledging it was considered but effectively scoped out of further assessment owing to proximity from the site and limited visibility. The HS explains that "while some limited and distant visibility of the proposed development may be possible from the Dungeon Hill and Rawlsbury Camp Scheduled Monuments, this change would be so limited as to not cause any harm to the significance of the monuments." This indicates the applicant considered there to be no harm to the significance of this designated heritage asset.
- 15.93 The Council's Conservation Officer and County Archaeologist do, however, consider that the prospect of detrimental impact, thus harm, would be significantly increased when new attributes are introduced within the current landscape extent and where clear extended views are perceived to be challenged. These specialists conclude that, based on a premise of visibility, associated to the scheme's overall scale and presentation within the broader setting of the landscape, the proposed solar farm would result in less than substantial harm to Rawlsbury Camp as a designated heritage asset.
- 15.94 Paragraph 199 of the NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." Scheduled monuments are assets of the highest significance.
- 15.95 The applicant has since provided a 'Heritage Technical Note' (HTN) as a response to the conservation specialists' comments. The HTN elaborates upon the significance of Rawlsbury Camp as a hillfort and the impact the proposed development would have upon it.
- 15.96 In terms of the significance of Rawlsbury Camp, the HTN states that:

"[It] is a small multivallate hillfort defined by double rampart banks and ditches enclosing an oval interior of approximately 1.6ha. The hillfort survives relatively well, with some erosion of the earthworks and truncation on its northern side by a road and trackways. The significance of Rawlsbury Camp derives primarily from surviving earthworks, and associated buried remains, which hold evidential and historical (illustrative) values relating to the monument's construction, development and use, in addition to wider

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interpretations of Iron Age society, economy and local landscape organisation.

The monument occupies a natural high point in the local landscape, on a promontory of Bulbarrow Hill at the edge of a chalk escarpment overlooking the Blackmore Vale. This prominent topographic siting would have been fundamental to its function as a defensive feature and local administrative centre, affording extensive views over the surrounding landscape with which it was likely associated. Forming part of a series of broadly contemporary monuments extending across this chalk escarpment, Rawlsbury Camp has important associative relationships with other hillforts, including Dungeon Hill (NHLE ref. 1016895) to the west and Nettlecombe Tout (NHLE ref. 1002818) to the south-west. These associations place the monument within a broader context which serves to enhance the understanding of its role within the local landscape during the Iron Age. There are further contextual links with other prehistoric features across the landscape to the south of the hillfort, including round barrows, field systems and settlement remains, which suggest a focus of activity on the chalk downland.

The wide-ranging views from Rawlsbury Camp take in a large part of the surrounding landscape, generally presented as a mosaic of agricultural fields, divided by hedgerows and copses. Numerous farmsteads and small settlements are also visible. These developed areas, ranging in date from the medieval to modern periods, present a change in the wider surroundings of the hillfort, which can be understood to have experienced its most significant phase of occupation during the Iron Age. While the surrounding landscape may well have been brought under cultivation during this time, the present fieldscape described by the Dorset Historic Landscape Characterisation reflects medieval and later enclosure with modern reorganisation. In this context, it is the wide-ranging scope of the views and the sense of topographical prominence derived from them, enshrining the dominant positioning of the monument within the landscape, that contribute in a meaningful way to its significance, rather than their specific content.”

- 15.97 The HTN considers that “the site forms a very small part of the wider landscape just discernible in the middle distance of views from the summit of the hillfort, beyond intervening vegetation and buildings”. In this context, the applicant considers that the proposed development would not be a conspicuous feature within these views, appearing as only a thin dark patch of land within the existing field systems which would blend in against the existing surrounding vegetation. The development, being of relatively low height, would not obscure views of the hillfort from within the surrounding landscape or compromise its prominence. Due to its neutral colouring, the solar farm would also not draw attention within views from the hillfort. The visibility would be further reduced over time as the proposed vegetation screening matures... Any visual change would furthermore be temporary and fully reversible.”
- 15.98 With regards to the elaborated significance identified above, the applicant maintains that the proposed development would have no impact on the key

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contributors to the significance of the Scheduled Monument, specifically the evidential and historical values of its physical remains. They also consider that the understanding of the monument's topographical prominence would not change, and neither would there be any impact on the important associative relationships with other hillforts in the locality (Dungeon Hill, Nettlecombe Tout, and other contemporary monuments). The proposed development would not physically or visually isolate the monument, which would remain a coherent feature within the landscape. As such, the applicant upholds the view that the minimal degree of change to the landscape surroundings of the monument would not harm the heritage significance of Rawlsbury Camp as a SM.

15.99 As the HTN draws attention to, Historic England guidance regarding heritage setting recognises that "conserving or enhancing heritage assets by taking their settings into account need not prevent change... many places coincide with the setting of a heritage asset and are subject to some degree of change over time". Thus, as the applicant asserts, change is not to be necessarily equated with harm to significance.

15.100 The applicant concludes that the site has no direct or meaningful connection with Rawlsbury Camp, beyond being partially visible in the broad scope of the available views. Historic England guidance indicates that "Views out from heritage assets that neither contribute to significance nor allow appreciation of significance are a matter of amenity rather than of setting". To this end, the applicant considers that the key aspects that materially contribute to the monument's significance, i.e. the earthworks themselves, the relationship with contemporary hillforts, and the topographic siting, would in no way be affected by the proposed development.

15.101 The concerns raised by the Council's Conservation Officer and County Archaeologist have been carefully considered along with the applicant's HTN. The case officer considers that the applicant's consideration of the significance of Rawlsbury Camp in the HTN provides clear and convincing justification that, notwithstanding concerns raised by the Council's conservation specialists, the proposed development would not be harmful to the significance of Rawlsbury Camp as a Scheduled Monument.

15.102 With the position of 'no harm' accepted, there is no requirement to engage paragraph 202 of the NPPF.

15.103 It should be noted that Historic England have not offered any advice regarding the impact upon the SM.

Nettlecombe Tout (Scheduled Monument)

15.104 Nettlecombe Tout is another Scheduled Monument that lies some 5km to the south of the site. This Scheduled Monument is a promontory fort, which is a type of hillfort in which conspicuous naturally defended sites are adapted as enclosures by the construction of one or more earth or stone ramparts

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placed across the neck of a spur in order to divide it from the surrounding land. Promontory forts are generally Iron Age in date, most having been constructed and used between the sixth century BC and the mid-first century AD. They are broadly contemporary with other types of hillfort. Recent interpretations suggest that their construction and choice of location had as much to do with display as defence. Promontory forts are rare nationally with less than 100 recorded examples. The Nettlecombe Tout promontory fort survives well and will contain archaeological and environmental evidence relating to its construction, longevity, the social organisation of its builders, territorial significance and overall landscape context.

15.105 The evidential and historical interest of this monument includes the sweeping arc of a rampart bank of up to 15m wide and 2.8m high internally with an outer ditch of up to 8m wide and 0.5m deep with a possible entrance to the south west.

15.106 The Council's conservation specialists consider the elements of setting which contribute to its significance include:

- the spatial and historically functional relationship with encompassing hillforts:
 - Earthwork in Dogbury Plantation (SM, 1004547);
 - Hillfort and later strip lynchets on Dungeon Hill, 500m north of Castle Hill Cottages (SM, 1016895)
 - Rawlsbury Camp (SM, 1003207)
- its topographical position and distinctive prominence situated within a relatively low-lying plain, illustrating nature and purpose;
- the visual experience associated with long-extended, panoramic views from Dorsetshire Gap and the Nettlecombe Tout escarpment, NE elevation;
- the visual experience from Nettlecombe Tout escarpment, NE elevation, and extended views to N, NE and NW that survey a relatively unchanged and distinctive low-lying plain, exhibiting an agricultural setting comprising small field systems, that contribute to an understanding and appreciation of Nettlecombe Tout and its historic, encompassing landscape;
- the visual experience associated with peripheral views from Nettlecombe Tout escarpment, NE elevation, to the NE incorporating Rawlsbury Camp.

15.107 Due to mature tree coverage, there are no obtainable views from the summit of Nettlecombe Tout. Views can only be assessed from a single extent located on the Nettlecombe Tout escarpment, NE elevation.

15.108 As with Rawlsbury Camp, the key aspects that materially contribute to the monument's significance (the earthworks themselves, the relationship with contemporary hillforts, and the topographic siting) would also not be affected by the proposed development. As such, officers consider that the proposed

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solar farm would result in no harm to the setting and significance of this particular designated heritage asset.

15.109 Historic England, again, have not offered any advice on this matter.

Cannings Court Farmhouse (grade II listed building)

15.110 The significance of this designated asset derives from its spatial and functional relationship to its farmyard and associated farm buildings; and its immediate undeveloped agricultural setting.

15.111 The application site is, at its closest point, approximately 740m from the farmhouse, from which views east are constrained by farm buildings and intervening field boundaries and from which changes to the general character of the land are considered sufficiently distant not to affect the immediate agricultural setting of the farmhouse.

15.112 For this reason, and taking into account the contributory elements of setting identified above, officers do not consider that the proposed development would result in any degree of harm to the asset's significance.

Old Boywood Farm (grade II listed building)

15.113 The significance of this designated asset also derives from its spatial and functional relationship to its farmyard and associated farm buildings; and its immediate undeveloped agricultural setting; but, in addition, its topographical position adjacent to the hill (which gave the site its earlier name of 'Hull' or 'Hille').

15.114 At its closest point, the application site is approximately 480m from the farmhouse, there being no obvious designed or fortuitous intervisibility between them owing to the orientation of the farm and the intervening historic field boundaries.

15.115 For this reason, and taking into account the contributory elements of setting identified above, officers do not consider that the proposals will result in any degree of harm to the asset's significance.

Hazelbury Bryan Conservation Area

15.116 The significance of the conservation area derives from: the contribution of key views identified in the Hazelbury Bryan Neighbourhood Plan; the spatial relationship between the conservation area and the nearby hamlets and the gaps between them; and the rural setting which emphasises and defines the conservation area within the agricultural landscape and also its topographical position on a prominence.

15.117 At its closest point, the application site is approximately 750m west of the conservation area boundary.

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15.118 It is the impact on this designated heritage asset that is subject to the most dispute from third party representations, especially SHV who commissioned Wyvern Heritage and Landscape to conduct their own heritage assessment in support of their representation.

15.119 The SHV commissioned report considers part of the significance of the conservation area to be:

“The most significant aspects of the setting of the Conservation Area will be those that relate to its historic interest and architectural interest. In particular on the western side of the village elements which contribute to the understanding on how the postmedieval landscape of the Vale relate to the village will be particularly important. As a whole the meadows and fieldscapes to the west of the village present a legible postmedieval farmed landscape with related dispersed farms. These are intimately related and historically tied to the historic ridge top village of Hazelbury Bryan. Views of importance which allow this relationship to be appreciated, includes the views from the edge of the Conservation Area accessed from the two public footpaths, and views from within the site itself. The scale of the proposals is the major issue in that it dwarfs the intimate pre 1750 post-medieval landscape and related scattered dwelling. This impact occurs across an area over four times the size of the Conservation Area. It also includes major impact on unspoilt views from the Conservation Area boundary across the area of the proposed development looking west from which this time depth and relationship can be appreciated. There would be adverse major effect on significant elements of the setting of the Conservation Area which relate to its significance. This includes the historic rural character of the fieldscapes within the development site which represent a surviving pre 1800 landscape with earlier Medieval time depth which is intimately related to the character and special interest of the village of Hazelbury Bryan and views out from and towards the Conservation Area which allow this relationship to be appreciated.”

15.120 The SHV assessment concludes that there would be less than substantial harm to the conservation area.

15.121 The SHV assessment focuses on westward views out of the conservation area boundary from the relatively modern cul-de-sac known as The Orchard and how, from here, the aforementioned significance of part of the setting can be appreciated.

15.122 Whilst it is not disputed that part of the site would be discernible from this viewpoint, at the boundary of the conservation area, it is noteworthy that views from any part of the westward edge of the village were not considered a ‘Key Rural View’ in the Hazelbury Bryan Neighbourhood Plan (HBNP).

15.123 It is also not disputed that the general character of the conservation area’s setting is relevant to its significance. However, as the Council’s Senior Conservation Officer points out, the extent to which surrounding ‘general

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character' can contribute to significance must in all cases take into account such factors as topography, distance, historical associations and intervisibility in order to establish and delimit its zone of relevance.

15.124 The Council's Conservation Officer considers that, whilst accepting the general description of the historic agricultural land and 'farmscape' of which the application site forms part, there are few, if any, historical associations between the village contained within the conservation area. The land comprising the site was historically in a separate parish and, therefore, unlikely to have formed part of the hinterland specifically worked by inhabitants of Hazelbury Bryan. The suggestion that the land of the application site is "intimately related and historically tied to the historic ridge top village of Hazelbury Bryan" is not borne out by the evidence presented.

15.125 It is not disputed that there will be an impact on views from public rights of way outside the conservation area and from properties within it. However officers consider that the impact on these would not materially affect the significance of the conservation area, insofar as its contributory elements of setting.

15.126 As such, officers do not consider that the proposed development would result in harm to the setting of the Hazelbury Bryan Conservation Area. This was also the view prior to the amendment to reduce the extent of solar arrays.

Cultivation Remains

15.127 The significance of this type of non-designated heritage asset, forming as ridge-and-furrow earthworks, would derive from: archaeological interest for illustrating medieval (or later) agricultural practices and land use, bringing evidential value; and setting resulting from their continuing agricultural surroundings, which have preserved the legibility and understanding of their historical use and context.

15.128 Ridge-and-furrow was a type of ploughing carried out in the Middle Ages which formed distinctive earthworks. Where these earthworks survive, they are distinctive and significant historic landscape features. However, when the earthworks have been levelled (often by modern ploughing methods) then little or nothing of archaeological significance tends to survive below ground – unlike for many other types of archaeological earthworks.

15.129 The Heritage Assessment submitted with the application identifies "minor adverse effects upon most classes of archaeological remains" arising from piles required to support the ground-mounted frame. Where these are present, they would clearly result in damage to the heritage asset, whilst the development as a whole would significantly change their setting.

15.130 Accordingly, the County Archaeologist has been consulted on the planning application and has indicated that it is their understanding that despite some indications from LiDAR data submitted, no ridge-and-furrow survives as visible earthworks on the site. Once these earthworks are

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ploughed by modern methods it is effectively lost and this appears to be the case with the asset on site. As such, it is unlikely to be anything of the ridge-and-furrow that is of any great significance surviving below the modern plough soil. In this regard, the County Archaeologist has not raised any objections to the application, nor recommended any archaeological conditions, such as evaluations and trial trenching.

- 15.131 Officers are therefore satisfied that the proposed development would result in no harm to non-designated heritage assets. As such, paragraph 203 of the NPPF is not engaged.

Heritage conclusion

- 15.132 In consideration of all of these points and having had regard to s66 and s72 of the Planning and Listed Building Act 1990, it is considered that no harm would be caused to any heritage assets. Thus, impacts would be acceptable and in accordance with Policy 5 of the Local Plan and section 16 of the NPPF.

Visual and landscape impact

- 15.133 With regard to renewable energy development the supporting text for Policy 22 highlights that visual and landscape impacts can arise for a variety of reasons, including the potential scale or height of the proposed development. Such proposals can occur solely because of the proposal itself or due to cumulative effects with other developments. Appropriate landscape screening should also be provided to minimise visual and landscape impacts.
- 15.134 Policy 4 of the Local Plan states that the landscape character of the District will be protected through retention of the features that characterise the area. Where significant impact is likely to arise as a result of a development proposal, developers will be required to clearly demonstrate that that the impact on the landscape has been mitigated and that important landscape features have been incorporated into the development scheme.
- 15.135 The site straddles two landscape character areas. The northern part of the site lies in the Blackmore Vale LCA which is broad, gently undulating flat landscape. The southern part lies in the South Blackmore Rolling Vales LCA which is a more undulating/rolling pastoral landscape which represents the transition zone between the landscapes of the Blackmore Vale and the Chalk Escarpment of the Dorset AONB to the south. The site is characterised by gentle to moderate gradients, with levels on site ranging from between c. 93m AOD to 77m AOD.
- 15.136 There are several public rights of way near the site (N49/4; N46/19; N46/21; N46/28) as well as one crossing through the site (N46/20). None of these rights of way will be stopped up or diverted (temporarily or permanently) and they will remain open to public access throughout the construction, operational and decommissioning phases.

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- 15.137 The application site is not within an Area of Outstanding Natural Beauty (AONB) but the Blackmore Vale and North Dorset Escarpment character areas of the Dorset AONB distantly wrap around the site to the south, with the boundary to this designated area some 1.25km at the closest point (to the south east). It is accepted that the site forms part of the setting of this designated area, with the North Dorset Chalk Escarpment not only providing panoramic acting as a prominent backdrop to the site. In this regard, paragraph 176 of the NPPF states that “development within [the AONB] setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”.
- 15.138 This part of the Blackmore Vale AONB LCA is tranquil and undeveloped. Settlements are small and dispersed, and the landscape has a strong rural feel to it. There are strong cultural associations, with the Author Thomas Hardy both living locally and using the Vale as the setting in his works. The ‘Hardy Trail’ is a popular long-distance walking route that passes within 850m of the site to the east, from where the site can be seen in views towards Dungeon Hill Scheduled Ancient Monument/the AONB to the west. The Wessex Ridgeway is another popular long-distance footpath which connects many of the heritage assets along the chalk escarpment/ridge, including Rawsbury Camp Scheduled Ancient Monument from where there are extensive views across the Blackmore Vale. Ancient drove roads are another characteristic feature of the landscape. Whilst there are cultural associations of the Blackmore Vale, particularly with Thomas Hardy, in planning terms the undesignated parts of the Vale are not considered to amount to a ‘valued landscape’ for the purposes of NPPF paragraph 174a. That being said, the areas adjacent to the AONB contribute much to its setting and are considered more than just an ‘ordinary landscape’, as described in the LVIA.
- 15.139 The landscape setting is semi-natural, containing few detracting elements. The LVIA describes a ‘utilitarian aspect to the local landscape’, referring to the agricultural barns, overhead lines and pylons within the vicinity of the site. Whilst these do not present the site as forming part of a pristine landscape devoid of historic development, they are not especially uncommon features in the countryside and so should not significantly diminish the baseline landscape setting.
- 15.140 The LUC report ‘Landscape Sensitivity to Wind and Solar Energy in North Dorset District’ indicates that the landscape character areas that the site straddles both have a high degree of sensitivity to solar farms of the scale proposed.
- 15.141 Within the southern landscape character area part of the site (Rolling Vales) it is recognised that sensitivity to larger solar PV developments will be high in this undulating landscape with irregular field boundaries. Sensitivity could be higher where the location is on an exposed or significantly undulating slope (particularly if it is visible in the same context as more distinctive parts of the chalk escarpment, such as Bulbarrow Hill); or the location detracts from

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the green, patchwork character of the landscape, as observed from elevated viewpoints (particularly those in AONB settings). Sensitivity could be lessened on the flatter arable fields, with screening from trees and hedgerows, although this is more likely for smaller developments or those further away from the chalk escarpments areas.

- 15.142 It is recognised that the southern part of the site would comprise relatively open and gently undulating arable fields and, thus, be susceptible to the high sensitivity of solar development. As noted in the LUC report, the small scale of land cover pattern elevates sensitivity of the Blackmore Vale to larger developments.
- 15.143 Within the northern landscape character area part of the site (Blackmore Vale) it is recognised that its flat or gently undulating landform is not inherently sensitive to solar PV development, as it would be unlikely to be perceptible beyond its immediate surrounds. Ground-level views in this area are also limited by well-treed field boundaries and woodland blocks.
- 15.144 It is acknowledged that there is an interrelationship between landscape character areas that the site is located in and the chalk escarpment landscape of the AONB to the south. Views towards the higher ground of the Dorset AONB also form an intrinsic part of the perceptual character of the southern reaches of the Blackmore Vale. This aspect is particularly relevant in relation to the proposed development, as the AONB effectively wraps around the landscape that the site sits within, thereby further increasing sensitivity.
- 15.145 With regards to the proposed development, one of the most significant factors in terms of its impact is its 77ha coverage. It would currently amount to one of the largest solar farms in the region. Its extent has the potential to detract from the green, patchwork character of the landscape, especially when observed from elevated viewpoints.
- 15.146 To reduce the overall impact of the development a number of design strategies were incorporated within the development layout, mostly in the form of additional tree and hedgerow planting in and around the site and bolstering existing vegetation. Whilst appreciating these measures would be partly effective in reducing the visual impact of the proposals from local visual receptors, initial concerns were still raised by officers and the Dorset AONB team in terms of the remaining visual and landscape impact. LVIA photomontages from sensitive locations indicated that the proposed mitigation planting would have limited effect in screening the development, even by the fifteenth year of maturity.
- 15.147 Whilst there would not be a 'funnelling effect' formed along the public right of way that passes through the site (N46/20) by virtue of the distances between fences and panels on either side of the defined and 'as walked' routes, the proposed development would, nevertheless, be clearly evident and dominate immediate views whilst traversing this right of way, resulting in major-moderate, adverse effects. From this right of way part of the development would be set in the immediate foreground and potentially

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intervene views towards the AONB where the chalk escarpment forms a backdrop and landmark to the area.

- 15.148 Upon review of the initial scheme, Senior Landscape Officers considered that the adverse effects of the proposal could be reduced if it was significantly reduced in size and contained to the northern part of the site.
- 15.149 During the course of the application the applicants have made amendments to the scheme, introducing further mitigation each time to try to appease visual and landscape concerns. Initially these mitigation measures were relatively minor, with some marginal reductions in arrays, additional vegetation and addition of swales in some of the fields.
- 15.150 More recently, there have been more noticeable amendments, in the form of a reduction of some 3ha of arrays across fields 4, 6 and 7 to accommodate wider screen planting and, in the case of field 7, a woodland strip to assist with screening views from public rights of way N46/21 and N41/10 and wider views from within the AONB. Proposed CCTV posts have also been reduced from 6m to between 3m and 4.5m (with their final height to be determined following more detailed design work). The amendment to the scheme did not, however, involve the recommended exclusion of fields in the southern part of the site, namely fields 10 and 13, as a means of primary mitigation.
- 15.151 From directions close to Hammond Street Farm, Fir Tree Farm, Muston Farm, Wonston and part of footpath N46/21, the topography of the landscape provides a vantage point overlooking the site. In these views, the substation and the PV panels in fields 6 and 7 will be apparent and clearly visible. According to the LVIA's judgement a 'significant' post construction effect will be reduced to a moderate and therefore 'not significant' effect in the longer term. However, the taller structures associated with the substation, including the 10m wide x 15m high pylon, will be visible in these views.
- 15.152 Although additional mitigation measures have been introduced during the course of the application, including the reduction in the extent of arrays to accommodate more vegetated screening, officers accept that these measures would fully offset the moderate-high adverse magnitude of change that would occur, especially from elevated locations. The proposed development would result in a significant change in character of the local landscape which, although not permanent and reversible, would have an effect for a lengthy period of time.
- 15.153 The sloping nature of fields 4 and 10 mean that these are particularly visible from the south east, south and south west directions. The sloping nature of field 13 means that it is most visible from the south east and south. Limited existing boundary vegetation increases the likelihood of views of fields 6 and 7. Together, these compartments form the bulk of the development proposal and, thus, the majority of the solar farm occupies those parts of the site that are more likely to be visible from elevated vantage points within the AONB.

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- 15.154 Officers broadly agree that adverse effects on views from within the AONB are greatest from the south east and the direction of Bulbarrow Hill, Stoke Wake and the roads and footpaths descending the escarpment to the north of this area.
- 15.155 The LVIA is also correct in noting that there are further occasions of visibility of parts of the site from the scarp slopes and hilltops to the south, including locations close to the Dorsetshire Gap, Nettlecombe Tout, Ball/Church Hill and Knoll Hill. Most of these areas provide some form of panoramic view toward the north, even if briefly. Within such views, parts of the development may be visible, particularly during winter months, when intervening screening is less effective. Each wider viewpoint identified along the Escarpment (but including the Bulbarrow Hill area) are from distances typically ranging from 4-4.5km and would not be regarded as 'significant' in their own right.
- 15.156 Other wider views of the development from elevated locations within the AONB are generally more distant and often filtered by intervening vegetation. Along the Wessex Ridgeway, in particular, there are notable sections where vegetation in the immediate foreground restricts the availability of northward views and therefore reduces the impacts. Were this vegetation not present, the impact of the proposal could be considerably more widespread.
- 15.157 Amendments to the scheme have achieved a degree of mitigation, particularly in relation to the outlying field 4, as well as field 7, where panels have been removed to the north east of the pylons to remove an exacerbating 'corridor' effect when viewed from the sensitive south east views (Bulbarrow Hill and Stoke Wake). The additional planting now proposed would help to soften the impact of the substation area, in addition to panels in fields 6 and 13, in the long term. From the Stoke Wake viewpoint, the mitigation proposed would be more effective, if it established successfully in the manner that is illustrated. These would represent marginal improvements once the planting reaches a degree of maturity but it is also accepted that it would not negate the impacts from within the AONB entirely.
- 15.158 Overall, whilst noting a modest improvement in the design of the development, the changes and mitigation would be unable to fully avoid or minimise impacts on views from within the AONB. The series of 'moderate' effects on the outlook from the AONB places the effects at the cusp of being 'significant' and does not demonstrate clear compliance with the recommendations of NPPF paragraph 176.
- 15.159 Despite some assertions through representations received, officers are content that there are no other large-scale solar developments in the area that require consideration of cumulative visual impact, even from the more elevated and sensitive views within the AONB.

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15.160 The identified visual and landscape harm needs to be weighed in the overall planning balance against the public benefits of the scheme and this is discussed later in the report.

Impact on agricultural land

15.161 The supporting text for Policy 22 of the Local Plan states that it is important that ground-mounted solar panels avoid the best and most versatile agricultural land, focusing on that of least value. The policy itself does not explicitly state that solar farms should not be installed on the best and most versatile land, only that any adverse impacts on agricultural land should either be mitigated or outweighed by benefits.

15.162 As Annex 2 in the NPPF confirms, 'best and most versatile agricultural land' is land in grades 1, 2 and 3a of the Agricultural Land Classification.

15.163 According to the Natural England 1:250,000 scale Agricultural Land Classification Map for the south west region (2010) the site is identified as undifferentiated Grade 3 'Good to Moderate' land. This data set does, however, not distinguish between grades 3a (good) and 3b (moderate).

15.164 A more detailed assessment of the ALC across the 168ha North Dairy Farm unit, including all 77ha of the application site, has been submitted to provide a semi-detailed, site-specific analysis. The semi-detailed survey involved examination of the soil's physical properties at 18 locations across the application site (out of a total of 42 locations across the whole unit). The ALC methodology indicates that two soil pits were hand dug at each of these locations to examine certain soil physical properties. In addition, auger bores were dug at 3 of the 18 locations across the site. The report concludes that the quality of agricultural land at the site is limited mainly by soil wetness to subgrade 3b and grade 4 (poor).

15.165 Both SHV and Mappowder Parish Council dispute some of the findings in the ALC report, suggesting that at least one of the auger bore soil test results on the site itself would actually indicate a composition profile more akin to grade 3a than 3b and, therefore, the conclusion that there is no 3a grading on the site is somewhat misleading.

15.166 Indeed, one of the auger bore results (AB26) from the application site is graded as 3a in Appendix 1 of the ALC report. The applicant has indicated that this is a 'one off profile' result within an otherwise 3b mapping unit. Another auger bore result (AB37) is also disputed upon cross-referencing results with Tables in the ALC report, although the Appendix 1 results confirms this result to be classed as 3b grading. These appear to be potentially the only results indicating grade 3a land across the whole site, the rest being 3b or 4.

15.167 Even taking the worst-case scenario that two of the 3b results should in fact be 3a, this grading would amount to some 11% of the whole site.

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However, even setting the disputed 3b results aside, more than half of the site is classed as poor (grade 4) agricultural land. Thus, the applicants have targeted areas of poorer quality, in addition to other material considerations for discounting other land within the wider unit.

- 15.168 It is also material that the planning permission is sought for a period of 35 years which, although not 'temporary' per se, does indicate that the development is reversible and where the land would be returned to full agricultural use following decommissioning. The mountings for the solar panels would allow for restoration, subject to appropriate soil management practices secured by planning condition.
- 15.169 The applicants have also indicated that an element of agriculture would persist across the site in the form of low-intensity sheep grazing amongst the solar arrays.
- 15.170 Notwithstanding the disputed results from the ALC report, at least 89% of the application site would not be classed as 'best and most versatile land', with more than half classed as 'poor'. The nature of the scheme would not result in permanent loss of agricultural land and, thus, does not conflict with Policy 4 of the Local Plan. As such, even with the disputed 11% coverage of 3a land, any harm in this respect would be very limited and be considerably outweighed by the very substantial public benefits from renewable energy generation at a time when the Council has declared a Climate & Ecological Emergency.
- 15.171 On this basis, it is satisfied that the proposed development on the site would satisfactorily avoid the 'best and most versatile' agricultural land and focus on that of least value, thus complying with Policies 4 and 22 of the Local Plan and the NPPF.

Residential amenity

- 15.172 Policy 22 of the Local Plan indicates that the likely impact of noise and vibration on local residents and those working in the vicinity of a renewable or low carbon energy generation plant needs to be considered as part of the application process. Photovoltaic panels are inert and would emit no noise, dust or vibration.
- 15.173 Owing to the separations involved to the nearest neighbouring properties there would be no impact in terms of overbearingness, loss of light or loss of outlook.
- 15.174 Both a Noise Assessment and Glint & Glare Study has been submitted with the application to assess impact on neighbouring amenity that are more likely to occur from solar farm developments. Owing to proximity to the site, the properties that would most likely be affected are: Boywood House Farm; Dairy House Farm; 1-2 Boywood Cottages; Pover Bridge Farmhouse and Old Boywood Cottage beyond the east and south east boundaries of the site.

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Noise

- 15.175 The applicants explain that a preliminary Noise Impact Assessment was undertaken to inform the proposed site layout to ensure sufficient sound buffers existed between the inverter and transformers. The opportunity was therefore taken at the outset to embed noise mitigation into the design layout.
- 15.176 The Noise Impact Assessment submitted indicates that all equipment is likely to run for approximately 1 hour after sunset. The earliest the equipment will begin working is 4.30am and this assumes a worst-case scenario, with the times of operation seasonally dependent.
- 15.177 The assessment also identifies that the development would give rise to noise levels that are typically below the measured day and night time background levels in the area, at the closest assessed residential receptors, thus giving rise to a 'Low Impact'.
- 15.178 The assessment also considers noise impacts from the temporary, five month construction period. The construction sound levels would comply with the requirements of BS5228-1:2009+A1:2014, thus not causing a 'Significant Impact'.
- 15.179 Consequently, the assessment demonstrates that the development would give rise to noise impacts that would be categorised as 'No Observed Adverse Effect Level (NOAEL)' within the PPG's Noise exposure hierarchy table. This means to say that noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. It can also slightly affect the acoustic character of the area but not such that there is a change in the quality of life.
- 15.180 In consideration of the conclusions of the noise report and the distances to properties involved it is satisfied that the development would not have a significant adverse effect on neighbouring amenity.
- 15.181 The Council's Environmental Health team have recommended that the hours of construction be conditioned to preserve neighbouring amenity. These are set out in the Noise Assessment as 0900 - 1700 Monday to Saturday and not at all on Sundays.

Glint and glare

- 15.182 A Glint and Glare Assessment has been provided with the application and this considers the possible impact upon surrounding road users and dwellings.
- 15.183 In relation to impacts on dwellings, the results of the modelling indicate that solar reflections are geometrically possible towards dwelling locations to the east and west of the Site. For the majority of these dwellings, mitigation is

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not judged to be a requirement because of the effects coinciding with direct sunlight; partial existing screening in the reflecting panel areas and the separation between dwellings and the reflecting areas.

15.184 Moderate impacts have been identified for three clusters of dwellings to the east of the site under baseline conditions. As such, mitigation in the form of native hedgerow and tree planting belts has been put forward to address these effects and these are reflected in the Landscape and Ecological Enhancement Plan (LEEP) submitted. The mitigation can also further be controlled as part of a soft landscaping condition. Remaining predicted impact significance following this mitigation is low, with screening reducing the impact to an acceptable level.

15.185 With these points in mind, it is considered that the impact upon neighbouring amenity would not be significantly harmful to warrant a reason for refusal. The proposal would therefore comply with policies 22 and 25 of the Local Plan in this regard.

Habitats and biodiversity

15.186 Policy 22 of the Local Plan states that proposals should seek to minimise the disturbance to ecology, including designated sites and the impact on particular species.

15.187 The site does not lie within a statutory or non-statutory designated ecology site. It does, however, lie in proximity to Ancient Woodlands, SNCIs, SACs and SSSIs. The site itself is dominated by mixed rotational farmland consisting of arable fields (cereal crops), with some ley grassland, and bordered by tall species-rich hedgerows, ruderal margins and streams. There is also a small pond on the site which, for most of the year, holds no water and is therefore unlikely to support invertebrate or amphibian species. There are 6 mature oak trees within the fields. The wider landscape consists of mixed farmland similar to that found at the Site but including small blocks of broadleaf woodland.

15.188 An extended Phase 1 Habitat Survey of the site identified potential for the presence of a range of protected or notable species. Owing to the size of the application site the applicants have also completed both a Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP), both of which have been updated during the course of the application to reflect amendments and have been signed and approved by the Council's Natural Environment Team (NET). The LEEP accompanies the LEMP and illustrates on plan the various environmental benefits.

15.189 A summary of the environmental effects predicted to result from the proposed development is set out in the Chapter 7 of the submitted Environmental Statement and the LEMP.

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- 15.190 It has been recognised that the hedgerows, woodland edges and streams within and around the site could support commuting and foraging bats. The mature oak trees also have the potential to accommodate roosting bats. No trees are proposed to be removed and there would be no external artificial lighting to potentially affect bats.
- 15.191 Breeding bird surveys identified the likely presence of at least 26 breeding bird species, 9 of which appear on one or more schedules or lists of species of conservation importance. Wintering bird surveys identified at least 36 species using the Site, 17 which appear on one or more schedules or lists of species of conservation importance.
- 15.192 A maximum of 4 adult brown hares were observed on one occasion on site.
- 15.193 The pond within the site is considered unsuitable for great crested newts (GCN). There is, however, one pond within 250m of the site boundary and, given that there are records for GCN within 2km of the site (including a pond some 459m away), it is possible GCN may, on occasion, traverse the site. It is expected that such use would be low and primarily restricted to linear features rather than open fields, however it is vital to secure GCN mitigation on this basis.
- 15.194 The grass and ruderal margins along the streams and alongside some hedgerows offer suitable habitat for harvest mice. Field margins are proposed to be retained. In terms of hazel dormouse, there are no recent records within 2km, however the site hedgerows could support this species. All hedgerows around and within the site would be retained. The retained site hedgerows and grassland/ruderal margins also offer suitable habitat for hedgehog.
- 15.195 Most of the site is of poor value to invertebrate species and assemblages. The hedgerows, grass/ruderal habitats, and waterbodies are of higher value to invertebrates and are likely to support a range of common and widespread species in their various life stages. There will be no loss of preferential invertebrate habitat resulting from the proposed development. Some of the grass/ruderal margins support habitat which is suitable for reptiles such as slow worm and grass snake. There will be no loss of suitable reptile habitat.
- 15.196 The streams are unlikely to support otter and water vole, being narrow, shallow, and often heavily shaded with negligible aquatic vegetation. No badger setts were found within the site. There are no records of notable plant species on the site.
- 15.197 The LEMP sets out the various biodiversity mitigation and enhancements resulting from the proposed development. These are also illustrated on the accompanying LEEP. The mitigation and enhancement includes the following broad measures:

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- The PV panels will be confined to the existing field parcels to ensure a well-integrated scheme is implemented that causes minimal loss of existing vegetation.
- Existing field boundaries within and along the site's boundaries will be positively managed to strengthen the existing vegetation, to enhance the biodiversity value, and to provide further screening of the proposed development.
- 30 bat boxes installed on trees (2F Schwegler Bat Box or 2FN Schwegler Bat Box, 11fd Schwegler bat box, and the 1fs Schwegler large colony bat box);
- Positive management of the field margins to be undertaken throughout the site – this will improve existing biodiversity.
- The existing pond will be positively managed to encourage a permanent feature and habitat for GCN.
- Infill planting will be implemented where necessary to strengthen existing hedgerows.
- The planting of trees along some lengths of hedgerows.
- Management to allow some hedgerows to grow to 3 m in height.
- The creation of new areas of tussocky grassland with wildflower habitats are proposed throughout the proposed development, outside of the security fence, beyond the extent of the solar panels. These will be managed in a wildlife sensitive manner to encourage flowering and seeding.
- The creation of new areas of neutral grassland habitats are proposed throughout the proposed development beneath the solar array.
- The creation of extensive lengths of new native species hedgerows with trees.
- The creation of new tree belts.
- The creation of new broadleaved woodland.
- The creation of wild bird cover to provide foraging for overwintering birds.
- The creation of wet marshy grassland along swales.
- The management of the stream bank vegetation to enhance riparian habitat diversity.
- Decompaction and mulching of veteran trees.
- Low intensity grazing of areas between and beneath solar panels by sheep.
- The erection of a variety of wildlife boxes for nesting birds and roosting bats, plus herptile hibernacula.
- The inclusion of mammal access points within the security fence to ensure species such as badger and brown hare can continue to traverse the site.
- The erection of an information board which details the biodiversity on the site and the benefits gained from renewable solar energy.

15.198 Full details of the mitigation and enhancement measures is set out in the LEMP.

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15.199 Regarding GCNs, the information provided indicates that the temporary loss (for the duration of the operational phase of the development) of arable and grass ley farmland habitat would not impact on a foraging resource. The security fences, being of mesh construction, would not prohibit GCN from traversing the site. The meadow grassland and wildflower grassland habitats, as well as the new hedgerows, will provide new foraging and commuting habitat for GCN. Additionally, the management of the pond, detailed in the LEMP, will provide additional potential breeding habitat for amphibians including GCN. The reduction of field management from agricultural machinery e.g. ploughing, would considerably reduce the potential for GCN to be killed or injured. A trapping and translocation programme may be required prior to decommissioning in line with best practice at the time. Minor beneficial residual effects have been identified for GCN due to an increase in available foraging, breeding, commuting, and sheltering habitat for these species.

15.200 The works included in the application will to be completed using the Dorset Council Great Crested Newt Licensing Scheme. Prior to any works commencing onsite, the applicant will be required pay the Conservation Payment of £28,029.00 agreed on the Conservation Payment Certificate and obtain a formal signed authorisation from Dorset Council's Natural Environment Team. This payment needs to be secured by s106 legal agreement. This compensation payment accounts for the equivalent of 1.545 expected ponds to be lost within the red line application site area and proportionally up to 250m from the site. The Conservation Payment allows Dorset Council to pay for the creation/restoration and management of sufficient new habitat to compensate for the impacts of the applicant's proposal for a period of 25 years.

15.201 The LEMP can be conditioned to ensure any potential adverse impacts upon local wildlife and habitats can be satisfactorily mitigated and enhancement, bringing, on balance, an overall ecological benefit to the scheme.

15.202 The CEMP addresses issues such as safety and security, noise, air quality, ecology, waste and construction traffic management during the construction phase of the development. The details are considered acceptable, as reflected by the fact NET have issued a Certificate of Approval for it and can be secured by condition.

15.203 Subject to conditions to secure the LEMP and CEMP and the completion of a legal agreement to secure the compensation payment to mitigate GCNs, the development would comply with Policies 4 and 22 of the Local Plan.

Impact on protected trees

15.204 The site is covered by a Tree Preservation Order (TPO) (ref: TPO/2021/0003). The TPO covers all trees of whatever species on the site.

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- 15.205 The extent of trees on site is identified in the applicant's Arboricultural Impact Assessment (AIA) and, of note, includes two veteran English Oaks (T3 and T34). These oaks are growing within open ground whereby ground conditions have been compromised through ploughing and compaction. The installation of the solar farm has the potential to reduce soil compaction from farming activities and improve their health, especially with mulching.
- 15.206 No trees are proposed to be removed throughout the site, even those of poor quality. The LEMP sets out the additional planting that is proposed throughout the site, which includes trees, hedgerows, shrubs and grassland mixes, all of native species. These will be in accordance with the LEEP.
- 15.207 The Council's Tree Officer has been consulted on the application and indicates that issues arising to the solar farm would be limited and may relate only to a handful of trees.
- 15.208 Some concern had been raised with regards to shading potential over some of the arrays from trees T8, T42 and T43. However, the application has carried out an analysis on the modules in these areas and, whilst there will be some shading, as they are part of a designed group of modules connected to a string inverter only a very small number will be affected. They will still be beneficial to the development overall and generate renewable energy. The LEMP has been amended during the course of the application to confirm that trees T8, T43 and T42 will not be subject to any cyclical tree works to alleviate shading effects. Furthermore, no felling or lopping can take place without permission owing to the TPO.
- 15.209 Another concern was raised with regards to the root protection areas of the veteran oaks (T3 and T34) being encroached upon by the security fencing. However the latest site plan and LEEP indicate that the security fencing and array layout close to these trees has been realigned/amended to overcome this concern.
- 15.210 Similarly, the LEMP has also been amended to include plans for soil improvement and management for the veteran trees, which will be improved through soil decompaction and mulching.
- 15.211 The Tree Officer has recommended the submission of an Arboricultural Method Statement. This can be secured condition and the applicants are willing to agree to a pre-commencement condition to this effect.
- 15.212 The impact on protected trees i.e. their retention and protection for the lifetime of the development would be acceptable and in accordance with Policies 3, 4 and 15 of the Local Plan.

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Highway and transport impacts

- 15.213 The applicants have provided a Transport Statement and subsequent Technical Notes to address queries raised by the Highway Authority during the course of the application.
- 15.214 The submitted Transport Statement indicates that there are two existing passing places along Cannings Court Lane that can be utilised by construction vehicles and other users of the highway to pass each other. The first is located adjacent to the St Thomas a Beckett Church, 305m from the junction with the B3143, to the west. The second is an informal passing place located a further 175m to the east of the first passing opportunity. The distance to the farm access is then a further 420m to the east. Construction vehicles will be required to drive around 900m from the B3143 junction to the site access with two opportunities for passing. Allowing for the relatively low level of construction traffic movement, predicted to be in the region of 11 to 12 two-way movements a day, which equates to approximately 1 two-way movement an hour, two passing places is acceptable. The applicant has confirmed that the existing passing places are sufficient.
- 15.215 The amended CEMP indicates that a temporary construction signage strategy will be implemented to inform pedestrians and road users of potential construction traffic on the local road network. This signage will require agreement with the Highway Authority.
- 15.216 The CEMP also states that a road condition survey of the carriageway and adjacent highway verges will be carried out both before and after the construction period. Again, this would require agreement with the Highway Authority.
- 15.217 A temporary construction compound is to be provided within the site, with 53 parking spaces to be available for staff (33 flexible mini-bus spaces and 20 standard bays). The applicant will enforce that there will be no site staff parking on the public highway.
- 15.218 In terms of glint and glare from the solar arrays upon road users, locations within 1km of the site have been considered. The majority of roads within this distance are local, where traffic volumes/speeds are likely to be low and potential reflections are not significant. A short section of Partway Lane and Wonston are within 1km and could arguably be considered 'regional' roads, however visibility of the site is not predicted from the relevant parts of these roads. No significant impacts on road users are therefore predicted.
- 15.219 The Highway Authority has reviewed the information provided and not raised any objections. On this basis officers are satisfied that the proposed development would have not have a severe impact on the highway network, subject to conditions.

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Impacts identified by local communities

- 15.220 Policy 22 of the Local Plan states that developers will be expected to undertake and evidence early meaningful engagement with the local community when submitting development proposals relating to renewable or low carbon energy schemes that may have an adverse impact on a local community. The Council will expect developers to have regard to the responses made by local communities to any consultation and to consider what additional mitigation measures may be necessary to address any legitimate concerns.
- 15.221 In this regard the applicants have provided a Statement of Community Involvement which details the engagement with the local community prior to submission of the planning application.
- 15.222 Due to legal restrictions relating to the COVID-19 lockdown, the applicant mainly sought to pursue engagement virtually, with a virtual public exhibition. The applicant did also manage to arrange a multi-Parish Council site visit prior to submission, in addition to a meeting with Simon Hoare MP.
- 15.223 The Statement of Community Involvement indicates that approximately 503 brochures were sent by post to residents and local businesses within the site's electoral ward and surrounding area. The brochure invited recipients to the public exhibition webinar, visit the consultation website and complete an enclosed feedback form. A presentation was given during the virtual public exhibition, giving information about the Applicant, the application site and the conceptual design of the project. Attendees were encouraged to provide their thoughts and opinions through an online survey after the virtual public exhibition, or via the feedback form included in the brochure via post or email.
- 15.224 The outcome of this process revealed that 79% of the responses were in objection to the proposed development. Key issues during this public consultation included: Landscape Impact; Visual Impact; Residential Amenity Impact; and Flooding.
- 15.225 In response to a number of the issues raised during the pre-submission public consultation process the design of the scheme was amended as follows:
- Ensuring solar park infrastructure was kept fully outside the areas identified as being at risk of flooding;
 - Internal access layout slightly adjusted to ensure all trees were fully protected, including root protection zones;
 - Increased hedgerow and tree planting to assist with screening;
 - Introduction of greater number of bat and bird boxes; and
 - Provision of additional information to explain how construction impacts would be managed, in particular that of construction traffic, as set out in the CEMP.

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15.226 Officers are satisfied that the applicants have considered the feedback appropriately and provided the necessary information to enable an assessment of the concerns raised. Although a number of objections were raised even prior to the submission of the application, this would not have precluded the applicants from submitting a planning application for the determination of the Council.

Decommissioning and restoration

15.227 It is proposed for the scheme to be in situ for a period of 35 years, after which the site will be fully decommissioned and all electricity generating equipment and built structures would be removed and the site restored back to agricultural land.

15.228 No further details, including statements or reports, have been provided with regards to this matter. Notwithstanding this, it is now standard practice for the decommissioning process to be controlled by a condition, requiring agreement of details towards the end of the scheme's lifetime to ensure that the proposed details are appropriate at the actual time of decommissioning.

15.229 In this instance, should approval be granted, the scheme would not be decommissioned until 2058. As such it is considered more appropriate to agree these details closer to this time, when an actual contractor is appointed to undertake the works and technologies may have advanced. This is accepted as appropriate in this instance especially as an appropriately worded condition can be imposed.

Planning balance

15.230 Section 14 of the NPPF does not require applicants to justify the need for renewable energy development.

15.231 Policy 22 of the Local Plan states that when considering proposals for electricity generation from renewable or low carbon sources, the social, economic and environmental benefits of the scheme should be assessed against the likely impacts. Such a proposal is likely to be permitted in principle, provided it can be demonstrated that: both individually and cumulatively, all adverse impacts arising from the proposal have been satisfactorily assessed; the proposal has maximised the potential to mitigate any adverse impacts that have been identified; and the actual benefits that the scheme will deliver outweigh the adverse impacts that remain.

15.232 In this regard, public benefits of the scheme are very substantial and clear.

15.233 The Council declared a Climate Emergency in May 2020 and, since this time, published a Climate and Ecological Emergency Strategy. The proposed development would assist the Council's aims to be carbon-neutral by 2040 and switch all energy to low-carbon/renewable sources. The solar

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farm would provide enough renewable energy to power approximately 13,000 homes each year over a 35 year lifespan. The consequential reduction of greenhouse gas emissions is estimated at some 13,000 tonnes a year. The development would therefore make a valuable and exemplary contribution towards the Council's strategy and targets. In combination with other renewable and low carbon energy schemes it would assist in tackling climate change. These broader environmental benefits can be given very substantial weight in the planning balance.

15.234 The proposed development would generate a significant number of jobs directly related to the construction of the solar farm, along with others in the supply chain. There would also be employment related to the operational phase, albeit far lower. Such economic benefit is of moderate weight in favour of the scheme.

15.235 One of the caveats of Policy 22 is that that permission should only be granted provided that any adverse impacts can be mitigated and the actual benefits that the scheme will deliver outweigh the adverse impacts that remain.

15.236 Solar farm developments of the scale proposed will almost always have a visual impact of some sort, whether immediate from nearby footpaths or wider afield within the landscape. In this instance, owing to its extensive size and the surrounding topography, the proposed development would be visible from a number of public viewpoints, within the immediate local landscape and setting of the Dorset AONB. Whilst some mitigation has been introduced insofar as a small reduction in arrays and further tree/woodland planting, it is accepted that the scale of development is such that it would be challenging to fully mitigate the visual and landscape impact of the scheme. The presence of solar arrays would undoubtedly change the character of the landscape and result in a degree of harm to local landscape character areas and the setting of the Dorset AONB that will need to be weighed against the public benefits of the scheme.

15.237 The case officer considers that no harm would amount to any designated and non-designated heritage assets in and around the site. This weighs in favour of supporting the application.

15.238 With regards to flood risks, it has been suitably demonstrated that the bulk and most vulnerable parts of the proposed development would be located in flood zone 1 i.e. the lowest risk area for fluvial flooding. The access and egress route would cross an ordinary watercourse, passing through the functional floodplain, but officers deem that both the Sequential Test and Exception Test can be satisfied. The proposed development would be made safe for its lifetime without increasing flood risk elsewhere. Mitigation proposed would be acceptable and the management of surface water drainage can be controlled by condition.

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- 15.239 The site would avoid the 'best and most versatile' agricultural land for the purposes of policies 4 and 22 of the Local Plan and the NPPF. Sheep grazing can operate on the site between arrays. Following the 35 year permission period, the land would revert back to agricultural use.
- 15.240 The applicants have provided a LEMP that is to the satisfaction of the Council's NET. Existing trees within and around the site would be retained and protected, with bolstering of soft landscaping secured by condition. Accordingly, the impacts upon designated wildlife sites, nature conservation interests and biodiversity can be satisfactorily mitigated. These environmental benefits can be afforded significant weight. Thus, the scheme would deliver a measurable gain in biodiversity and this would be a further moderate benefit arising from the proposal.
- 15.241 The development would not result in any significant harm to neighbouring amenity. Officers are satisfied that the impact on the highway network would not be severe. These benefits all weigh in favour of the application.
- 15.242 The public benefits summarised above, particularly the importance of the provision of renewable energy and the need to tackle climate change, are exceptionally weighty. Officers consider that, on balance, the public benefits in terms of the provision of renewal energy would outweigh the residual visual and landscape harm.

16.0 Conclusion

- 16.1 Officers consider that any adverse visual impact and landscape harm arising from the development would be outweighed by the very substantial public benefits highlighted above.
- 16.2 Officers also consider that the proposed development complies with Policies 1, 2, 3, 4, 5, 20, 22, 24 and 25 of the North Dorset Local Plan Part 1 (2016) and so complies with the development plan as a whole with no material considerations indicating that a different decision should be taken. It is therefore recommended for approval, subject to the completion of a legal agreement to secure compensation payment for GCN, and the conditions outlined below.

17.0 Recommendation

Recommendation A:

Grant permission, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the following:

£28,029.00 as a Conservation Payment to pay for the creation/restoration and management of sufficient new habitat for great crested newts and to compensate for the impacts of the applicant's proposal.

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and the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission is limited to a period of 35 years from the date of first export of electricity to the grid. Written notice shall be given to the Local Planning Authority within 14 days of the date when electricity is first exported to the grid by the development hereby permitted. Thereafter, the development (including all ancillary equipment and buildings) hereby permitted shall be removed in its entirety and the land restored to its former condition within 35 years and six months of the date of first export to the grid, or within 18 months of the cessation of generation of electricity if the development fails to generate electricity for 12 consecutive months, whichever is the sooner. The land shall be restored in accordance with a scheme of decommissioning works and land restoration (including timescales) pursuant to condition 18 of this consent.

Reason: To ensure the impacts of the development exist only for the lifetime of the development.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan 1641 0200 05
Planning Layout 1641 0201 01 Iss15
LEEP 12761/P11 Rev K
Construction Compound Plan 13823-HYD-XX-XX-DR-TP-0002 Rev P02
Passing Space Plan 13823-HYD-XX-XX-DR-TP-0001 Rev P01
HV Compound Elevation Views 1641-0208-81 Iss04
HV Compound Plan View 1641-0208-80 Iss04
Aux Transformer Detail 1641-0207-02 Iss02
Access Road Sections 1641-0208-10 Iss02
Welfare Container Detail 1641-0207-41 Iss02
Fence Detail 1641-0205-01 Iss02
PV Mounting System 1641-0201-28 Iss02
Transformer Station Detail 1641-0207-00 Iss01
Spares Container Detail 1641-0207-40 Iss02

Reason: For the avoidance of doubt and in the interests of proper planning.

4. Prior to commencement of development a detailed Arboricultural Method Statement (AMS), prepared by a qualified tree specialist, providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to and approved

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in writing by the local planning authority. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing.
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012).
- c) a schedule of tree work conforming to BS3998.
- d) details of the area for storage of materials, concrete mixing and any bonfires;
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility
- f) details of any no-dig specification for all works within the root protection area for retained trees
- g) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges to be retained will not be damaged prior to, or during the construction works.

5. Prior to commencement of the development hereby approved a final hard and soft landscaping scheme, showing precise details of all existing and proposed tree, shrub and hedgerow planting (including positions and/or density, species and planting size) and a schedule of materials and finishes to be used for all new areas of hard landscaping/surfacing/paths and means of enclosures must be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping must be carried out in accordance with the approved details and, in the case of soft landscaping, carried out before the end of the first available planting season following substantial completion of the development. In the 34 year period following commencement of the development any existing and proposed trees, shrubs or hedgerows that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as shall first be agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate mitigation for the landscape and visual impact of the proposals and the provision of an appropriate landscaping scheme has been agreed.

6. Prior to commencement of the development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction and the party responsible,

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must have been submitted to and approved in writing by the local planning authority. The scheme must provide mitigation measures to intercept turbid flows and reduce erosion risk. Thereafter, the surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

7. Prior to commencement of the development details of maintenance and management of both the surface water sustainable drainage scheme and any receiving system must have been submitted to and approved in writing by the local planning authority. The details must include a Soil Management Plan which considers measures to avoid over compaction of soils, during and post construction, as well as maintenance and protection of grass cover. The maintenance and management scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

8. Prior to commencement of the development a detailed drainage design for the access roads, any areas of hardstanding and swales must have been submitted to and approved in writing by the local planning authority. Thereafter, the drainage schemes must be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

9. Prior to the installation of the transformers, inverters, CCTV equipment & poles, all fencing and other ancillary equipment a plan showing the locations of these structures and details of the external material finish of each of these structures must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the approved details.

Reason: To mitigate the wider visual impact of the development, including the setting of the Dorset AONB.

10. Prior to commencement of the development the submitted Construction Environmental Management Plan (CEMP) must be implemented and adhered to fully for the full length of the construction period.

Reason: to minimise the likely impact of construction traffic on the surrounding

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highway network and prevent the possible deposit of loose material on the adjoining highway.

11. The development hereby approved shall be carried out in accordance with the details set out in the Flood Risk Assessment and Drainage Strategy, dated 18 March 2021. Thereafter, the scheme shall be managed and maintained for the lifetime of the development in accordance with the approved details.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

12. The long-term mitigation and protocols in the event of a flood event shall be carried out in accordance with the details set out in the Flood Warning and Evacuation Plan, dated 22 July 2022 for the lifetime of the development in accordance with the approved details.

Reason: To ensure public safety in the event of flooding.

13. The long-term management, maintenance and monitoring of the landscape and environment of the site shall be implemented in full and in accordance with the details and timescales within the approved Landscape and Ecological Management Plan (LEMP) dated September 2022 throughout the lifetime of the development.

Reason: To ensure impacts upon the local landscape, nature conservation interests and biodiversity are satisfactorily mitigated and enhanced.

14. In the event that contamination is found at any time during the construction of the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). If any contamination is found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. Remediation shall be carried out in accordance with the approved scheme and on completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

15. All new and existing healthy native hedgerows on and around the application site shall be maintained at a height of at least 3 metres above ground level.

Reason: To mitigate the wider visual impact of the development within the setting of the Dorset AONB.

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16. Prior to the installation of any CCTV poles, a plan confirming the height of the CCTV poles must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved plan and the CCTV poles shall be no taller than 3.5 metres in height above ground level.

Reason: To allow for the detailed design of CCTV to ensure full site coverage and consideration of impacts upon the local landscape character.

17. No construction or decommissioning works shall take place except between the following hours:

0700 to 1800 Monday to Friday
0700 to 1700 Saturday

No construction or decommissioning works shall take place at any time on Sunday or a Bank Holiday.

No construction deliveries shall be made to the site except between the following hours:

0900 to 1700 Monday to Saturday

No construction deliveries shall take place at any time on Sunday or a Bank Holiday.

Reason: In the interests of neighbouring amenity and local traffic generation.

18. Not later than 6 months before planned decommissioning of the whole development hereby approved a scheme for decommissioning and the restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the removal of the solar arrays and all associated above ground structures, equipment, means of enclosures and foundations, to a depth of at least one metre below finished ground level. The scheme shall include the management and timing of any works; a traffic management plan; an environmental management plan including measures to protect wildlife and habitat; identification of access routes; restoration measures to return the site back to its condition at the time of the granting of planning permission; and a programme of implementation (to include timescales). Thereafter, re-instatement shall be carried out in accordance with the approved scheme.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape features of landscape, nature conservation or archaeological significance.

Recommendation B:

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Refuse permission for failing to secure the financial obligations detailed above if the agreement is not completed by 22 December 2023 or such extended time as agreed by the Head of Planning.

Informative Notes:

1. National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.

2. Care should be taken to ensure that solar panels do not focus surface water flows, which could cause erosion and interrupt the site's natural hydrology.
3. If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at DLI@dorsetcouncil.gov.uk as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.
4. Prior Land Drainage Consent (LDC) may be required from DC's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with s23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team. LDC enquires can be sent to floodriskmanagement@dorsetcouncil.gov.uk.
5. An Environmental Permit may be required from the EA, as relevant regulator for all works to a designated Main River that take place in, under or over, or

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as prescribed under relevant byelaws in accordance with section 109 of the Water Resources Act 1991. To clarify the Environment Agency's requirements, the applicant should contact the relevant department by emailing floodriskpermit@environment-agency.gov.uk.

6. The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.

Strategic and Technical Planning Committee 26 July 2023

Application to extinguish part of Footpath 79 and divert part of Bridleway 80, Beaminster

For Decision

Portfolio Holder: Cllr D Walsh, Planning

Local Councillor(s): Cllr Rebecca Knox, Beaminster Ward

Executive Director: J Sellgren, Executive Director of Place

Report Author: Carol McKay

Title: Senior Definitive Map Technical Officer

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Report Status: Public

Brief Summary:

This report considers an application to extinguish part of Footpath 79 and divert part of Bridleway 80, Beaminster in the light of objections received and recommends that extinguishment and diversion orders are made on the basis that the relevant legal tests have been met.

Recommendation:

That:

- (a) The application to extinguish part of Footpath 79 and divert part of Bridleway 80, Beaminster as shown on Drawing P226/23/2 attached as Appendix 1, be accepted and extinguishment and diversion orders made;
- (b) The Orders include provisions to modify the definitive map and statement to record the changes made as a consequence of the extinguishment and diversion; and
- (c) If the Orders are unopposed, and are considered to meet the legal tests they be confirmed by the Council.
- (d) If the Orders are opposed, and the objections to the Orders are of a similar nature to those already considered by the Committee, they be submitted to the Secretary of State without further reference to the Committee.

- (e) The Orders are to be made concurrently. The Extinguishment Order shall be confirmed only upon confirmation of the Diversion Order. If objections are received to one order but not the other, both orders will be submitted to the Secretary of State for confirmation.

Reason for Recommendation:

- (a) The proposed extinguishment and diversion meet the legal criteria set out in the Highways Act 1980.
- (b) The inclusion of these provisions in public path orders means that there is no need for a separate legal event order to modify the definitive map and statement as a result of the extinguishment and diversion.
- (c) Accordingly, for the reasons set out below in the report the proposed extinguishment and diversion are considered expedient and therefore Dorset Council can itself confirm the orders.
- (d) Dorset Council is unable to confirm opposed orders itself but can submit them to the Secretary of State for confirmation, subject to the legal tests being fulfilled. In the event that objections of a similar nature to those already considered are received to the orders, the committee will have already considered the objections in light of the legal criteria and therefore Dorset Council will submit the orders to the Secretary of State for confirmation.
- (e) Section 118(5) of HA 80 provides for public path extinguishment orders to be dealt with concurrently with diversion orders.

Report

1 Background

- 1.1 Dorset Council has received an application to extinguish part of Footpath 79 and divert part of Bridleway 80, Beaminster at Chantry Farm as shown on Drawing P226/23/2 attached as Appendix 1.
- 1.2 The current definitive route of Footpath 79, Beaminster runs from its junction with the public road at point A generally north west and north north west through woodland to point Q as shown on Drawing P226/23/2.
- 1.3 The current definitive route of Bridleway 80, Beaminster runs from its junction with the public road at point C, generally north and north west through woodland to point D then north west, east north east and north north west to point E and generally north to its junction with Footpath 79, Beaminster at point F.
- 1.4 The proposed new route of Bridleway 80, Beaminster runs from point G at its junction with the public road, north west to point H, west north west to point I, north west through a wooded area to point J where it enters a field, north west and north east through the field to point P where it enters woodland, then generally east north east to point O where it runs north west alongside a small stream to point Q and north north west via point B to point M, generally north east across a field to point N then crossing into another field and continuing to the unaffected part of Footpath 79 at point F.
- 1.5 Part of the proposed new bridleway is existing footpath (between points G – H – I and Q – B – M – N – F) and the diversion would have the effect of upgrading the status of these parts from footpath to bridleway.
- 1.6 The proposed new route of Bridleway 80 would provide a suitable alternative route for the extinguished length of Footpath 79.
- 1.7 In addition to the applicants there is one other affected landowner who has agreed in writing to the proposed changes.
- 1.8 The proposed diversion would be in the interests of the landowners as it would improve privacy and security for the landowners by moving the bridleway away from the working farmyard, outbuildings and house and enable better land management.

2 Law

Highways Act 1980

- 2.1 Section 118 of the Highways Act 1980 says that the Council may, by order, extinguish a path when it appears to them to be expedient to do so, on the ground that it is not needed for public use.
- 2.2 A public path extinguishment order cannot be confirmed as an unopposed order unless the Council are satisfied that it is expedient to do so:
- (a) having regard to the extent (if any) that the path is likely to be used by the public; and
 - (b) having regard to the effect the extinguishment would have on other land served by the footpath;
- 2.3 Any temporary circumstances preventing or diminishing the use of a path or way by the public shall be disregarded.
- 2.4 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.
- 2.5 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.
- 2.6 A public path diversion order cannot be confirmed as an unopposed order unless the Council are satisfied that:
- (c) in the interests of the owner, lessee or occupier or of the public, the diversion to be effected by it is expedient;
 - (d) 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:
- (e) the effect the diversion would have on public enjoyment of the bridleway as a whole;
 - (f) the effect the diversion would have on other land served by the bridleway; and

- (g) the effect on the land over which the diversion will run and any land held with it.
- 2.7 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 or extinguishment orders Dorset 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.
- 2.8 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".
- 2.9 Dorset 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

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

Human Rights Act 1998 – Human rights implications

- 2.11 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.
- 2.12 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.
- 2.13 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

- 2.14 Dorset 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.
- 2.15 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.
- 2.16 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

Theme 3: Providing a safer and more accessible network

- Theme 3.13 Seek opportunities to increase bridleway networks

Guidance on concurrent orders

- 2.17 The proposed diversion and extinguishment orders are to be made concurrently. Provision is made in section 118(5) of the Highways Act 1980 for public path extinguishment orders to be dealt with concurrently with creation and diversion orders. When considering the confirmation of a public path extinguishment order, in particular the extent to which the highway would be likely to be used by the public apart from the order, regard should be had to the extent that the diversion would provide an alternative to the way being extinguished. When dealing with such orders concurrently, each order should be considered separately on its own merits and decisions should specifically cover matters relevant to the consideration of whether it should be confirmed.
- 2.18 In addition, Rights of way circular (1/09)¹ advises that a diversion order made in association with an extinguishment order can provide an alternative route to be taken into consideration in determining whether to confirm the extinguishment order.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69304/pb13553-rowcircular1-09-091103.pdf

- 2.19 Rights of way circular (1/09) recommends authorities should submit both orders to the Secretary of State if objections are received to one order but not the other, when concurrent orders have been made.

3 Consultation

- 3.1 The original proposal to extinguish part of Footpath 79 and divert part of Bridleway 80 as shown on Drawing P226/22/2 (attached as Appendix 2) was consulted on in December 2022 and 27 objections were received.
- 3.2 Cllr Rebecca Knox, Dorset Council member for Beaminster ward was consulted on the application and made no comments.
- 3.3 Several responses to the first consultation indicated a preference for walking alongside a stream within the woodland rather than along the proposed new bridleway through an open field as shown J – K – L on Drawing P226/22/2 (attached as Appendix 2).
- 3.4 In response to the objections received, the applicants agreed to amend the proposal, following site meetings and discussions with officers.
- 3.5 The proposals were revised so that the proposed route of Bridleway 80 runs alongside the stream between points O – Q as shown on Drawing P226/23/2 (attached as Appendix 1).
- 3.6 The proposed extinguishment of Footpath 79 was revised from A – B to A – Q to correspond with the new diverted route.
- 3.7 A second consultation on the amended proposals was carried out in March 2023 and was sent to all original consultees as well as all respondents to the December 2022 consultation.
- 3.8 Five objections were received to the revised proposals.
- 3.9 Seven letters of support have also been submitted (received outside of the consultation period).
- 3.10 All consultation responses are summarised in Appendices 3 and 4.
- 3.11 The applicants have also submitted a supporting statement setting out the reasons for their application, the background to the proposals and the intended benefits of the new route.

Objections to the proposed extinguishment of Footpath 79

- 3.12 The Open Spaces Society object to the Extinguishment Order on the basis there is no evidence to show that the current route of FP79 is not needed for public use, that the provision of a diverted bridleway is not a substitute for the section of footpath to be extinguished, that Sections 118 and 119 should be considered separately, and that the extinguishment would lead to inconvenience for walkers who would be sharing the new bridleway with horseriders.
- 3.13 All five objectors are concerned that the proposed new route of Bridleway 80, which would serve as replacement for the extinguished section of Footpath 79, would be inconvenient or unsafe for walkers.

OFFICER COMMENTS:

- 3.14 The proposed extinguishment and diversion are being considered separately with regards to legal tests, with the orders to be made concurrently (see guidance on concurrent orders above 2.17 – 2.19).
- 3.15 The length of Footpath 79 to be extinguished is approximately 194 metres long. The diversion of Bridleway 80, which provides an alternative route to the extinguished path, would increase the length of the bridleway by 349 metres.
- 3.16 Objectors' concerns over sharing the proposed new route of Bridleway 80 are contradictory to their stated preference to walk the current route of Bridleway 80 which would also be shared with horseriders along its length.
- 3.17 There is no evidence that the proposed new route of Bridleway 80, which will serve as the alternative route for the extinguished part of Footpath 79, would become unsafe and unusable for walkers by horses using the new route. Officers believe the new bridleway would be safer and more accessible than the current route of Bridleway 80.
- 3.18 The part of Footpath 79 to be extinguished between points A and Q is often wet underfoot due to a seasonal stream and both walkers and horseriders are already using the proposed bridleway including the section P – O – Q on a permissive basis.

Objections to the proposed diversion of Bridleway 80

- 3.19 The five objections received to the current proposals all state that they would prefer to walk the current route of Bridleway 80, as it would be more enjoyable than the proposed new route.

- 3.20 The objectors feel that the current bridleway has great historical and educational value as a “Holloway” and therefore should be opened up for public use.
- 3.21 The proposed route is believed to be lacking in historic and ecological features.
- 3.22 There is a preference to separating walkers from livestock, in particular in the field north of N.
- 3.23 There is a concern that sharing the new route with horseriders would be less enjoyable for walkers as the path would be unsafe and unusable.
- 3.24 The diversion is perceived as setting a precedent for allowing diversion of public rights of way that have been obstructed for a long time.
- 3.25 One objector has requested estimates of levels of equestrian and cycling use, and evidence that Bridleway 80 cannot be reinstated, with a cost analysis of the revised proposal versus reopening Bridleway 80.
- 3.26 It is also noted by objectors that public access would remain along the public road to point C.
- 3.27 The Ramblers are in support of the diversion but raised concerns regarding potential flooding of the diverted route B – Q – O alongside the stream and query if a culvert is needed between points O and P where the new route crosses a seasonal stream.

OFFICER COMMENTS:

- 3.28 The reduction in number of objections from 27 (received to the first consultation) to 5 received to the second consultation is a strong indicator that the revised proposals are acceptable to the majority of footpath and bridleway users.
- 3.29 Significantly, the Ramblers, British Horse Society and Beaminster Town Council and several local walkers and horseriders all support the current proposals.
- 3.30 The proposed diversion of Bridleway 80 would give bridleway users access to open fields with extensive views to the south as well as a pleasant path through woodland, along a safer and more accessible route.

- 3.31 There is no evidence that the proposed new route would become unsafe and unusable for walkers by horses using the new route. The current route is considered to be unsuitable for bridleway users due to the heavy flow of water, narrow gullies, and an unstable surface.
- 3.32 The ecological and historical value of the current bridleway is acknowledged however views of the current bridleway are available along the proposed new bridleway where it adjoins the current bridleway at point F and also at a point to the north of point B.
- 3.33 There are no records of any issues with livestock reported by footpath users along Footpath 79.
- 3.34 Every diversion application is considered on its own merits against the legal tests, so this application does not set a precedent as careful consideration is given to all proposals.
- 3.35 With regards to estimated levels of equestrian and cycle use, Dorset Council does not have data on this but there is some equestrian use of the proposed new route which is evidenced by the letters of support which have been received from local horseriders.
- 3.36 With regards to costs, it should be noted that the costs of reopening Bridleway 80 or the costs of the diversion are not relevant to the legal tests. However, in response to the objector's request, the required works and estimated cost of reopening Bridleway 80 are discussed below (4.34 – 4.35). The applicant has agreed to pay Dorset Council's usual scale of charges for a diversion and extinguishment order and also for the cost of advertising the order and subsequent notice of confirmation. If the orders are the subject of an objection the cost of obtaining confirmation by the Secretary of State would be met by Dorset Council.
- 3.37 Public access would remain along the public road to point C but use of this section of the road by walkers and horseriders is likely to be much reduced by the diversion since the route would become a dead end.
- 3.38 As the Orders are to be made concurrently, any necessary works will be carried out to ensure the surface of the new route of Bridleway 80 is usable, before either order is confirmed. The applicants have confirmed that, in their experience, the stream alongside O – Q does not break its banks. With regards to the seasonal stream across the new route O – P, this will be stopped up near to point B, so no culvert will be required.

4 Discussion

Extinguishment

Not needed for public use

- 4.1 The proposed extinguishment is considered expedient as the part of Footpath 79 between points A and Q is not needed for public use due to the close proximity of the proposed diverted route of Bridleway 80.
- 4.2 As discussed above, the proposed diversion and extinguishment were revised following the initial consultation to provide an alternative route to the extinguished footpath that would be more acceptable to the public.
- 4.3 The alternative route provided by the proposed new bridleway is already available on a permissive basis and is close in proximity to the footpath to be extinguished. It is in the same area of woodland, with a similar character, but along drier ground, and runs alongside a small stream between points O – Q.

Extent path is likely to be used by the public

- 4.4 The current footpath to be extinguished between points A and Q runs along wet and muddy ground.
- 4.5 Since the proposed new bridleway has been made available on a permissive basis there is evidence that the new path is already being used in preference to the length of footpath to be extinguished.

Effect extinguishment would have on other land served by footpath

- 4.6 The extinguishment would have no material effect on other land served by the footpath;

Other considerations

- 4.7 Dorset 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.
- 4.8 In the area of the part of Footpath 79 to be extinguished, there is a stopcock and water supply works for three houses, as well as a manhole which is in regular use for filling farm machinery and troughs.
- 4.9 The extinguishment will therefore have a positive impact on agriculture as it will allow better management of the water supply.

- 4.10 If the order is unopposed the order should be confirmed as the extinguishment is expedient.

Diversion

Interest of the landowners

- 4.11 The proposed diversion is in the interest of the landowners as the new route will significantly improve privacy and security by moving the bridleway away from the applicants' house and outbuildings.
- 4.12 Chantry Farm is a working farm with domestic and farm animals, heavy farm machinery and other vehicles in constant use. There are health and safety concerns and a security risk for the landowners.
- 4.13 The watercourse which runs down the current route of Bridleway 80 runs under the applicants' house. Works to reopen Bridleway 80 could increase the risk of flooding, so the diversion is in the interest of the landowners in terms of managing the watercourse.
- 4.14 The additional landowner, who owns the land over which the proposed new route runs N – F, has no objection to the proposed diversion which will have the effect of upgrading the footpath over their land to bridleway.
- 4.15 Objectors have pointed out that the public would still have access to point C via the public road, but as discussed above, use of this section of the road by walkers and horseriders is likely to be much reduced by the diversion since the route would become a dead end.

Termination points

- 4.16 The northern termination point of Bridleway 80 will be unaffected. The southern termination point of Bridleway 80 will be moved from point C approximately 78 metres to point G. The new termination point meets the same highway as the current one (Chantry Lane) and is therefore substantially as convenient to the public.

Convenience

- 4.17 ²Rights of way circular (1/09) states that Section 119 of the 1980 Act does not specifically entitle an authority to disregard temporary circumstances, preventing or diminishing the use of the existing way in considering whether or not to make or confirm a diversion order. However the Planning Inspectorate Advice Note 9 22 (s28) advises that the convenience of the

² <https://www.gov.uk/government/publications/rights-of-way-circular-1-09>

existing route is to be assessed as if the way were unobstructed and maintained to a standard suitable for those users who have the right to use it.

4.18 The current route of Bridleway 80 between points C – D – E – F is approximately 607 metres long and the proposed new route between points G – H – I – J – P – O – Q – B – M – N – F is approximately 956 metres long.

4.19 This will result in an increased route length of approximately 349 metres, which increases provision for horseriders by increasing the overall length of recorded bridleway.

4.20 The new route is longer, but not substantially so, and as it is in a rural location, the route is most likely to be used as a recreational route and therefore increase in length may be deemed a positive change.

4.21 The width of the proposed route of Bridleway 80 will be as follows:

G – H	4 metres
H	1.7 metres
H – I	4 metres
I – J	2 metres
J – P	4 metres
P – O – Q – B – M – N	3 metres
N	1.55 metres
N – F	4 metres

4.22 The surface and gradient of the new bridleway are more accessible than the current route.

4.23 The termination points are substantially as convenient to the public as stated above (para 4.16).

4.24 It is the view of officers that the diversion would not result in a path that is substantially less convenient to the public.

History of Bridleway 80

4.25 The existing route of Bridleway 80 has been impassable on the ground for many years.

- 4.26 The National Parks and Access to the Countryside Act 1949 required that for each parish, a survey be carried out of public rights of way in preparation for the publication of the Draft Map.
- 4.27 Surveys were carried out by the parish or town council for the area, who produced an annotated map and survey notes indicating the status of each route and comments on the condition.
- 4.28 The process varied from parish to parish as different source materials were used to identify ways to be included in the survey. Routes were included for a variety of reasons including those in regular use, indicated by path furniture, known to local users, shown in earlier path surveys, described in historical documents or shown on Ordnance Survey maps.
- 4.29 Beaminster Town Council carried out a survey for Beaminster in 1951 and produced a survey map (see extract included as Appendix 5) with accompanying notes. The parish survey notes for Bridleway 80 state:-

“13³B.R. Chantry Farm to Beaminster Down Rd.

Continue past Chantry Farm up lane (10’) which is blocked by R.⁴ From this point the original B.R.⁵ is completely overgrown and fallen in and there is also a B.W.⁶ obstruction at the top end. Note: A F.G.⁷ on left just before reaching the lower obstruction (R) leads to F.P 12 and this path can be used instead of the correct B.R. as far as the GAP. This Gap is also obstructed by B.W. Although marked F.P. on map (6” Ordnance Sheet) the track directly up the field with hedge on left is recognised as the original B.R. leading through F.G. into Beaminster Down Rd. immediately opposite B.R. 23⁸ to S. Perrott etc”

- 4.30 The Ordnance Survey base map used for the 1951 survey shows a double pecked line annotated F.P. and a single / double solid line marked B.R.
- 4.31 Therefore it seems that Bridleway 80 was claimed on the basis of historical evidence rather than public use at the time of the 1951 survey.
- 4.32 In 1999 the Ramblers carried out a condition survey (known as ‘Milestones’) of all public rights of way for Dorset Council (then Dorset County Council). The Ramblers walked every recorded path in Dorset and prepared a report which included details of the condition of path furniture and surface, plus obstructions, offline paths and missing items such as bridges, or signposts.

³ Now Bridleway 80

⁴ R – rails or bar

⁵ B.R. – bridleway

⁶ B.W. – barbed wire

⁷ F.G. field gate

⁸ Bridleway 23 is now part of Bridleway 80

4.33 The following issues were noted in respect of the part of Bridleway 80 to be diverted:

“This bridleway is overgrown, flooded and is to all intents impassable. FP79 is the preferred route!”

Reinstatement of Bridleway 80

4.34 The reinstatement of Bridleway 80 would require substantial works including:

- Removal of trees
- Removal of sediments
- Drainage of path
- New channel for stream
- Raising current path height to prevent flooding
- Digging out large amounts of soil to find suitable sub base and widen narrowed paths.
- Haulage of soil and all other waste to waste transfer site with additional costs if soil is contaminated
- Licences and permits (Wildlife and Countryside)
- Licences to disturb species found in ecological survey report
- Land drainage and Environment Agency consents
- Natural England consent
- Flood catchment survey
- Full wildlife survey
- Permissions to work
- Surfacing the path to make it compliant
- Required infrastructure to keep path stock proof

4.35 The estimated cost of opening Bridleway 80 between points C and F would be £50,000 – £80,000⁹. This excludes the cost of employing an archaeological contractor to monitor works. As stated in 3.36 above, the cost of reinstating Bridleway 80 is not a valid consideration within the legal tests under Section 119 of the Highways Act 1980 but is included for information.

Section 29 Highways Act 1980

4.36 Under Section 29 of the Highways Act 1980, Dorset Council must have regard to the needs of agriculture, forestry and the desirability of conserving flora, fauna and geological and physiographical features when making diversion orders.

4.37 An ecological report was prepared by Dorset Council’s Natural Environment Team in April 2023 who carried out a survey to identify important habitats and

⁹ The cost could increase if unknown factors are discovered during works requiring additional works.

features and the likelihood of protected species being present associated with the existing W21/80 Bridleway.

- 4.38 The survey found records of several bat species, hazel dormice, badgers, and otters within 1km of the bridleway, as well as suitable nesting and foraging habitat for breeding birds. It was confirmed by the ecologist that the current bridleway was a suitable commuting habitat for bats, badgers and otters.
- 4.39 Taking into account Section 29 of the Highways Act, officers believe that the diversion of Bridleway 80 would conserve flora and fauna that is present along the current bridleway with minimal impact on wildlife along the proposed new route.
- 4.40 Dorset Council's Senior Archaeologist carried out a site visit to assess the status of the current bridleway as a Holloway, following a request from the case officer.
- 4.41 Their opinion is that the upper part of the route between F and E appears to be a route of historic origin - a Holloway, possibly medieval in origin. However the route becomes much less distinct as it continues south from E as it is cut deeply into a narrow passage and it is difficult to distinguish a historic routeway here as it seems to have been altered by the persistent and heavy flow of water down the slope. Around point Q there are substantial banks that appear to be historic and may have been attempts to manage the flow of water down the slope to avoid the farmyard.
- 4.42 They note medieval or post medieval drainage ditches are recorded in an adjacent field to the west which may indicate further attempts at managing the flow of water from springs further up the slope.
- 4.43 They welcome the conservation and continuation of archaeological and historic features in their original use, however the amount of work needed to open up the route is such that it would be in danger of having a detrimental effect on the historic fabric and impinge on the integrity of the monument.
- 4.44 Their opinion is that even if there was a moderate gain in archaeological terms, which seems unlikely in view of the amount of work required to bring the bridleway up to standard, this would not outweigh the ecological impact.
- 4.45 They have no objection to the proposed diversion of Bridleway 80.

Public enjoyment of bridleway

- 4.46 The proposed new bridleway runs through open fields and woodland and offers a safer and more accessible path in terms of surface, with extensive views. The contrast between the woodland section, which includes a length

alongside a small stream, and open fields fulfils the wishes of the majority of those who objected to the first consultation, which is evidenced by the reduced number of objections to the revised proposals.

- 4.47 The landowners have replanted the field through which the proposed bridleway runs J – P with wildflowers and herbal leys for environmental and biodiversity reasons, which adds to the public enjoyment of the new route.
- 4.48 The proposed diversion is supported by the Ramblers, the British Horse Society and Beaminster Town Council as well as numerous local walkers and horseriders.
- 4.49 One local horserider describes the current bridleway as “extremely narrow and quite treacherous in places” and that it “would be difficult and perhaps an environmental risk to reopen”. They describe the proposed new bridleway as “a fantastic option for me as a horseman and lover of the countryside and I believe for walkers. I have ridden through this permissive section and it really is a more beautiful option and a wonderful passage with minimal impact to the flora and fauna where one can really take pleasure in the beautiful Dorset Countryside.”
- 4.50 Other local residents who walk and ride in the area describe the current bridleway as “unsafe for horses and dangerous on foot”, “impassable and very boggy”, whilst the proposed diversion is described as a “great improvement” which would “open up a whole new route for us as walkers, riders and nature lovers”.
- 4.51 A “dog walker, horse rider and countryside loving local resident” supports the proposals on the basis that the new route is through a beautiful field of wild flowers and a bluebell wood, whilst the current bridleway has overhanging trees, jagged rocks, boulders and very deep muddy sections and would be “suicidal to a horse and rider”. They feel that “nature has taken over this section of the bridleway and it should stay that way”.
- 4.52 One regular user of footpaths and bridleways in the area for over 30 years, welcomes the new bridleway route as it is an enjoyable, safer and more accessible route for horseriders and walkers. In particular, the new bridleway would provide better access for horse riders to Buckham and Beaminster downs as the two alternative routes that connect to the downs from the south are both difficult to use as they are rocky, washed out, steep and slippery.
- 4.53 Officers believe that the current route of Bridleway 80, which has not been enjoyed by the public for many years, would be less enjoyable to the public than the proposed route if opened up. The works needed to reopen Bridleway 80 would have a negative impact on wildlife, the landscape and historic

features, which are the very characteristics that objectors value along the current route.

Other considerations

- 4.54 The diversion would have no material effect on the land served by the current route or over which the new route runs.
- 4.55 The diversion will have a positive effect on agriculture, flora, fauna and geological and physiographical features as it enables better land management by moving the bridleway away from the farmyard and protects wildlife and historic monuments that are present along the current bridleway.
- 4.56 The proposal affects the applicants' land and land belonging to one additional landowner, who supports the proposals. Given the route of the proposed diversion it is unlikely that compensation would be payable under Section 28 of the Highways Act 1980.
- 4.57 A section of the current route of Bridleway 80 running from just south of point E to point F is unregistered. Dispensation will be obtained from the Secretary of State before the Order is made.
- 4.58 Some works will have to be carried out on the new route to improve it for public use including:
- Vegetation clearance as needed between points I and J
 - River crossing at point B to be improved for equestrian use
 - Stile north of point B to be removed
 - Vegetation clearance as needed between points P – O – Q – B – M – N
 - Bridle gate to BS5719:2018 with long handle suitable for equestrian use to be installed at point N
- 4.59 The works will be carried out and funded by the applicant.
- 4.60 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.
- 4.61 If the diversion 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.

Rights of Way Improvement Plan

- 4.62 The proposed diversion fulfils two objectives in the Rights of Way Improvement Plan to improve Dorset's network of Public Rights of Way, wider access and outdoor public space.
- 4.63 The proposed diversion improves accessibility by diverting Bridleway 80 onto a safer and more accessible route, meeting the objective of the Dorset ROWIP with regard to improving accessibility of the network.
- 4.64 The proposed diversion also increases provision for horseriders by increasing the length of the bridleway by 349 metres which meets the objective of the Dorset ROWIP with regard to increasing bridleway networks.

5 Financial Implications

- 5.1 The applicant has agreed to pay in accordance with Dorset 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 Dorset 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.

6 Natural Environment, Climate & Ecology Implication

- 6.1 (Diversion) The proposal will not have any effect on carbon emissions and supports alternative methods of travel to the car.

7 Well-being and Health Implications

- 7.1 (Diversion) Use of public rights of way promotes a healthy balanced lifestyle.

Other Implications

- 8.1 n/a

Risk Assessment

- 9.1 The risks associated with this decision; the level of risk has been identified as:
Current Risk: LOW
Residual Risk: LOW

10 Equalities Impact Assessment

- 10.1 (Diversion) The furniture on the proposed route meets the requirements of British Standard BS5709:2018. The surface of the proposed new bridleway is more accessible than the current route and the gradient is no less accessible.

11 Conclusion

11.1 The application to extinguish part of Footpath 79, Beaminster meets the tests under Section 118 of the Highways Act 1980.

11.2 Order making;

It is expedient to extinguish Footpath 79 on the ground that it is not needed for public use due to an alternative route in close proximity - the proposed new route of Bridleway 80.

11.3 Order confirmation;

If unopposed, it is expedient to confirm the order as:-

- Footpath 79 is unlikely to be used by the public in preference to the alternative route along the proposed new bridleway. The alternative route is preferred by most walkers as is on drier ground and runs alongside a stream which is a highlight for many walkers, whilst the part of Footpath 79 to be extinguished is often wet and boggy.
- The extinguishment would have no material effect on other land served by the footpath;

11.4 The application to divert part of Bridleway 80 meets the tests under Section 119 of the Highways Act 1980.

11.5 Order making;

- Bridleway 80 is to be diverted in the interests of the landowners as it would improve privacy and security for the landowners by moving the bridleway away from the farmyard, outbuildings and house.
- The northern termination point of Bridleway 80 will be unaffected and the southern termination meets the same highway as the current one and is therefore substantially as convenient to the public.

11.6 Order confirmation;

- The diversion of Bridleway 80 is expedient in the interests of the landowner;
- The diversion is not substantially less convenient to the public as the increase in length is considered modest considering the bridleway's rural location and its recreational use, and the gradient and surface are more accessible than the current bridleway.

It is expedient to confirm the order as:

- The public enjoyment of the bridleway would be enhanced by the diversion and has the support of several local walkers and horseriders, the Ramblers, the British Horse Society and Beaminster Town Council
- The diversion would have no material effect on the land served by the current route or over which the new route runs.
- The diversion will have a positive effect on agriculture, flora, fauna and geological and physiographical features as it enables better land management by moving the bridleway away from the farmyard and protects wildlife and historic monuments that are present along the current bridleway.

11.7 The application should be accepted and extinguishment and diversion orders made.

11.8 In the event that objections are received to only one of the orders, Dorset Council would submit both orders to the Secretary of State for confirmation.

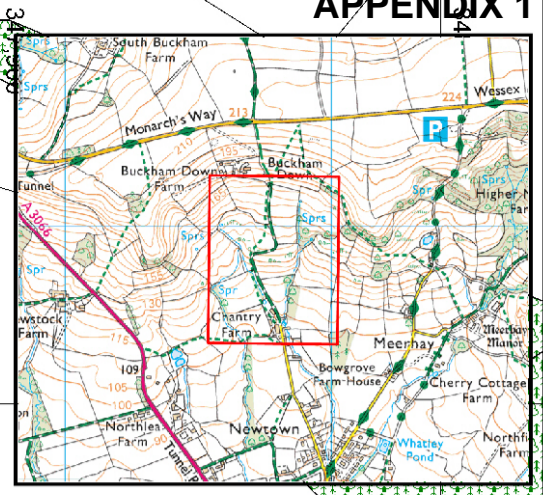
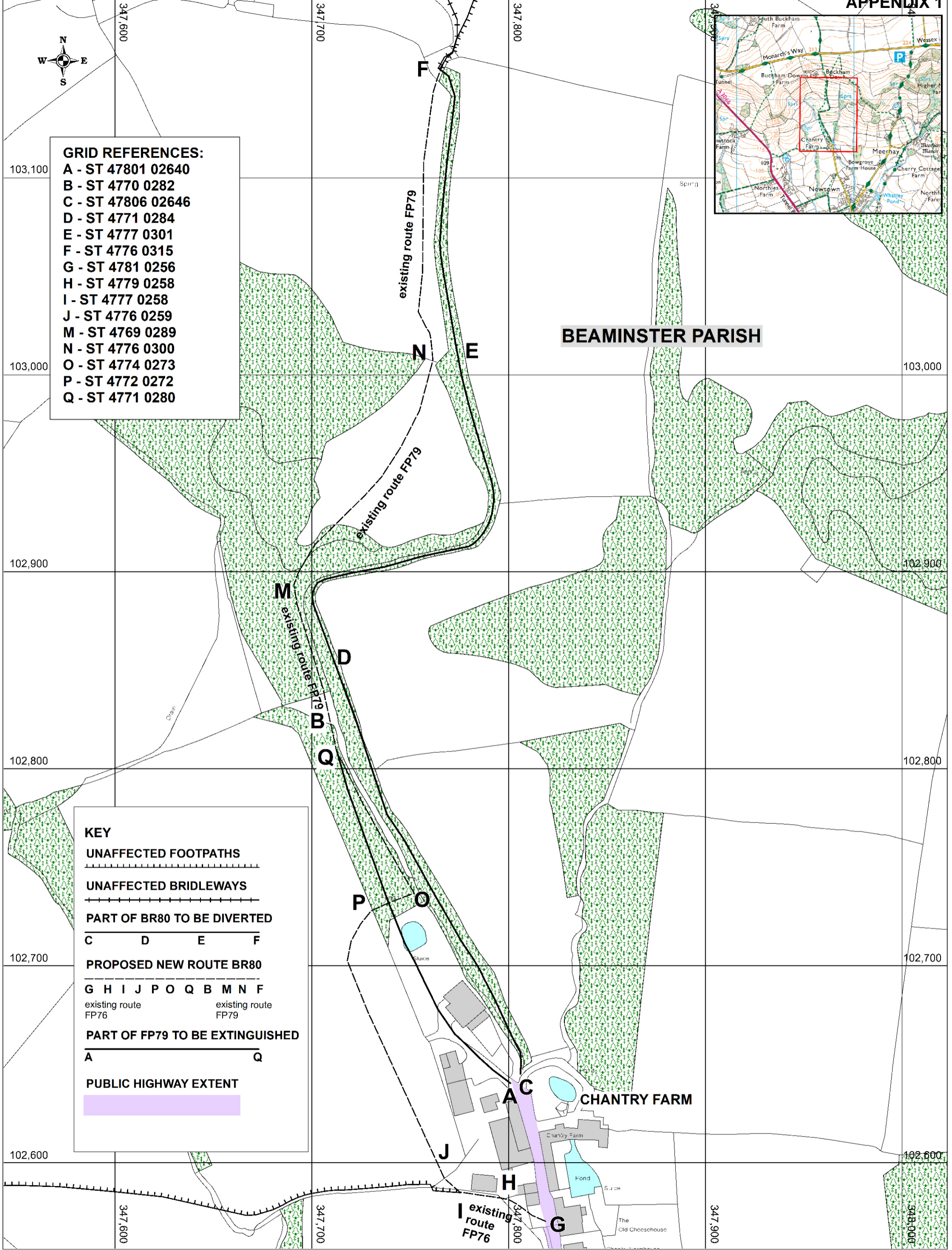
12 **Appendices**

- 1 Drawing P226/23/2
- 2 Drawing P226/22/2
- 3 Summary of consultation responses (second consultation)
- 4 Summary of consultation responses (first consultation)
- 5 Extract from Parish Survey map 1951

13 **Background Papers**

The files of the Executive Director, Place (ref.RW/P226)

July 2023



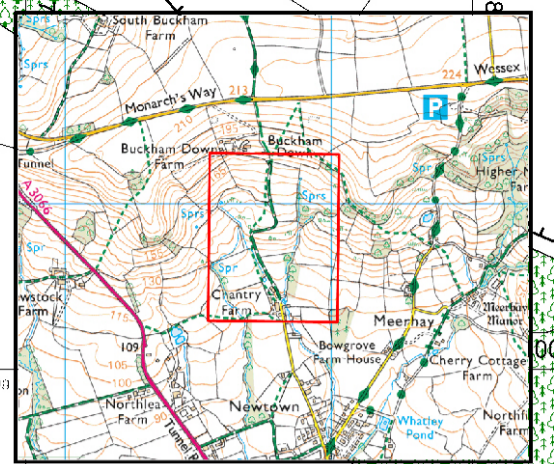
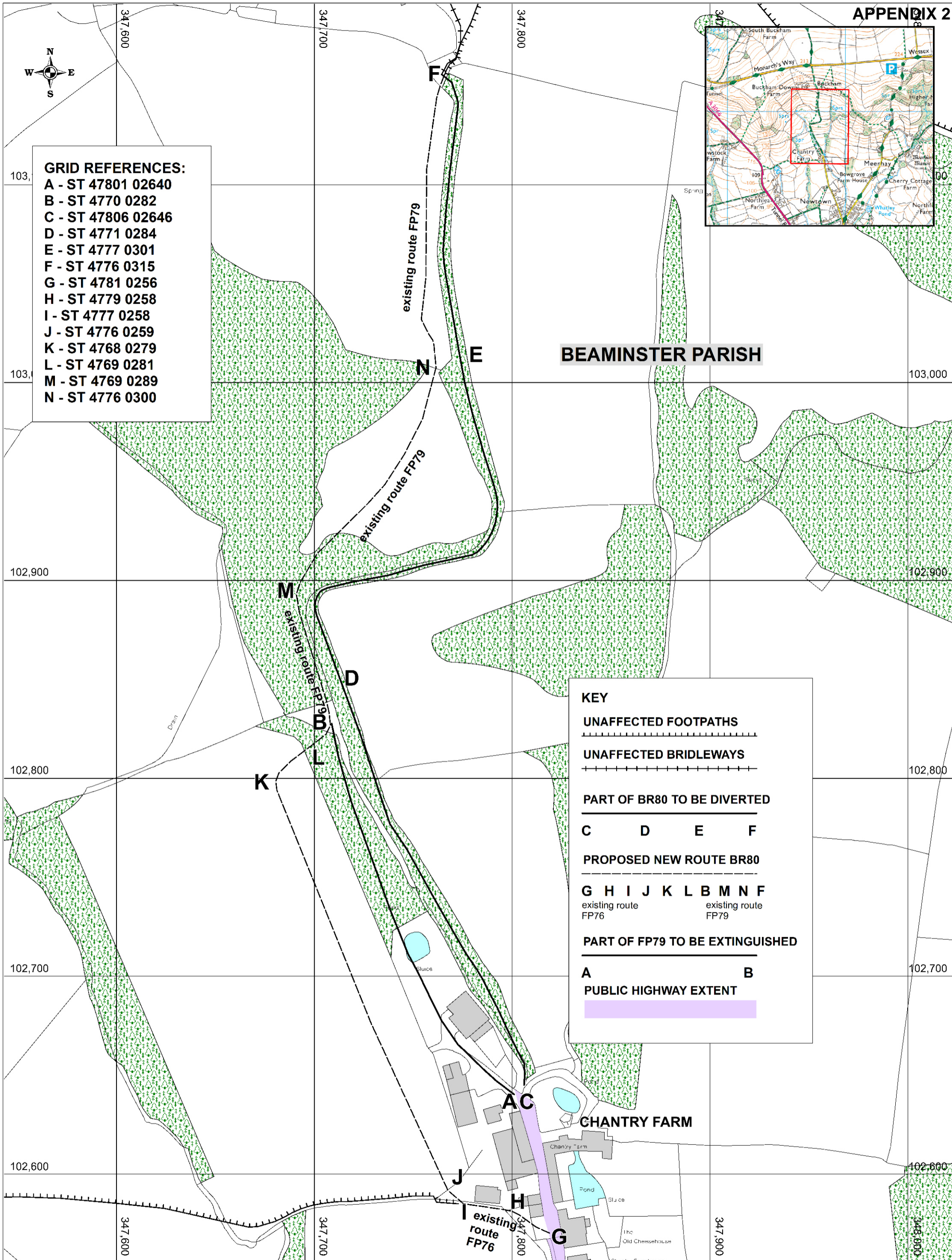
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 B - ST 4770 0282
 C - ST 47806 02646
 D - ST 4771 0284
 E - ST 4777 0301
 F - ST 4776 0315
 G - ST 4781 0256
 H - ST 4779 0258
 I - ST 4777 0258
 J - ST 4776 0259
 M - ST 4769 0289
 N - ST 4776 0300
 O - ST 4774 0273
 P - ST 4772 0272
 Q - ST 4771 0280

KEY

UNAFFFECTED FOOTPATHS
 UNAFFFECTED BRIDLEWAYS
 PART OF BR80 TO BE DIVERTED
 C D E F
 PROPOSED NEW ROUTE BR80
 G H I J P O Q B M N F
 existing route FP76 existing route FP79
 PART OF FP79 TO BE EXTINGUISHED
 A Q
 PUBLIC HIGHWAY EXTENT

BEAMINSTER PARISH

CHANTRY FARM



GRID REFERENCES:
 A - ST 47801 02640
 B - ST 4770 0282
 C - ST 47806 02646
 D - ST 4771 0284
 E - ST 4777 0301
 F - ST 4776 0315
 G - ST 4781 0256
 H - ST 4779 0258
 I - ST 4777 0258
 J - ST 4776 0259
 K - ST 4768 0279
 L - ST 4769 0281
 M - ST 4769 0289
 N - ST 4776 0300

KEY

UNAFFECTED FOOTPATHS
 UNAFFECTED BRIDLEWAYS

PART OF BR80 TO BE DIVERTED
 C D E F

PROPOSED NEW ROUTE BR80
 G H I J K L B M N F
 existing route FP76 existing route FP79

PART OF FP79 TO BE EXTINGUISHED
 A B

PUBLIC HIGHWAY EXTENT

SECOND CONSULTATION

Summary of consultation responses

Objecting to the proposal:

Name	Comments
Open Spaces Society (OSS)	<p>Opposes extinguishment – no evidence to show footpath 79 not needed for public use. Wrong to suggest diverted bridleway is a substitute for extinguished footpath. Sharing replacement route with horses would be inconvenient to pedestrians.</p> <p>Opposes diversion – No action taken by Council to remove obstructions on BR80.</p> <p>Case Law and PINS advice Note no 9 referenced with regard to dealing with temporary circumstances preventing use by the public in Section 119.</p> <p>Public would still have right to use adopted highway to point C.</p> <p>Holloway status of bridleway.</p> <p>July 2023 – additional comments submitted</p> <p>Maintains objection following ‘without prejudice’ site meeting with officers. BR80 should be opened up for public use.</p> <p>Nature conservation interest cannot override bridleway’s statutory designation on the definitive map as a right of way that is available for public use. Queries accuracy of estimated costs. Budget not a relevant factor overriding Council’s mandatory legal obligations to maintain BR80.</p>
West Dorset Campaign to Protect Rural England (CPRE)	<p>CPRE understands necessity of moving Footpath 79 away from Chantry Farm buildings and farmyard and supports Footpath 79 remaining in woodland area (O to B).</p> <p>Does not support merging Footpath 79 and Bridleway 80 - horses may make path unsafe and unusable for walkers.</p> <p>Bridleway 80, currently blocked by debris, barbed wire and vegetation, needs to be cleared.</p> <p>Holloways have great historical value and should be protected and maintained. This is also vital for their ancient ecosystems which are in danger.</p>
Beaminster resident (#1)	<p>Supports diversion of Footpath 79 G – H – I – J – P – O – B and extinguishment of Fp79 A – Q.</p> <p>Objects to “merging the footpath and bridleway” which will make the route unsafe and unusable for walkers due to horses and cyclists churning up the route.</p>

	<p>Request for estimate of equestrian / bicycle use and evidence that BR80 cannot be reinstated and cost analysis of revised proposal / reopening of BR80.</p> <p>BR80 is historic route and Holloway of educational and recreational importance to Beaminster.</p> <p>Reopening BR80 would separate walkers from livestock in field north of N – E Diversion is a dangerous precedent – Dorset Council and landowner have allowed BR to deteriorate by obstructing route and “ignoring public comments” so that reinstating path requires extensive works.</p> <p>Requests that previous comments to first consultation are also considered – (see summary of first consultation responses in Appendix 4)</p>
<p>(#15)</p>	<p>Supports diversion of FP79 G – H – I – J – P – O and extinguishment of FP79 A – Q. Does not support “proposed new route of BR80 G – H – I – J – P – O – Q – B – M – N – F or diversion of BR80 from C – D – E – F</p> <p>Sharing route with horseriders would make route less enjoyable for walkers. BR80 is an historic route and should remain open.</p> <p>Refers to comments made in first consultation (see summary of first consultation responses in Appendix 4)</p>
<p>Netherbury resident (#16)</p>	<p>Supports diversion of FP79 G – H – I – J – P – O and extinguishment of FP79 A – Q. Does not support “proposed new route of BR80 G – H – I – J – P – O – Q – B – M – N – F or diversion of BR80 from C – D – E – F for practical and historical reasons and as a matter of principle and precedent.</p> <p>Sharing route with horse riders or mountain bikers would spoil enjoyment for walkers. BR80 is an historic route and should remain open - as a Holloway it should be available for Beaminster residents to enjoy and should not have been allowed to get into current state.</p>

Supporting the proposal:

Name	Comments
Beamminster Town Council	No objection. Revised proposals “would seem a sensible solution”
The Ramblers	Supports proposed diversion and extinguishment. Agrees with Dorset Council that to reinstate the recorded route of BR80 would require removal of several mature trees and destroy the habitat corridor that has evolved since the route has fallen into disuse. BR80 disused since mid-1980s (or earlier) and the use of FP79 as an alternative is long established. Raises concerns regarding possibly flooding of the diverted route B – Q - O) alongside stream and queries if culvert needed between O and P where the new route crosses a seasonal stream.
BHS	Supports revised proposal as BR80 impassable and unrideable – “this proposal must be an improvement”
#27 Beamminster resident (Received July 2023)	<p>Supports proposals. Bridleways extremely important for riders, for exercise and well being of horses, and for horse riding tourism in West Dorset.</p> <p>This particular bridleway links with bridleway network in area. Would be difficult to reopen bridleway which is extremely narrow and treacherous in places for riders.</p> <p>New route fantastic option. Has ridden new permissive route which is more beautiful option with minimal impact on flora and fauna.</p> <p>Applicants have worked hard to make it the best option for all to enjoy. Being diverted around working farm also gives walker and rider a higher level of safety which is a important consideration.</p>
#28 Beamminster resident (Received July 2023)	Fully support diversion / extinguishment. Bridleway very boggy and dangerous on foot / horseback. New proposals would open up whole new route for us as walkers, riders and nature lovers.
#29 Beamminster resident (Received July 2023)	Underground spring has cause entrance to woodland walk to become impassable and very boggy. Suggested alternative is a pleasant short diversion and avoids boggy ground. Freedom to walk through farm is intrusive for the landowners.
#30 Sherborne resident (Received July 2023)	Previously lived in Beamminster. Current bridleway overgrown, eroded and boggy – unsafe for horses and dangerous on foot. It is a haven for wildlife so reinstatement for public would be counterproductive. Proposed alternative route great improvement – more open and pleasing ride or walk out of harms way without imposing on farm yard.

<p>#31 Beamminster resident (Received July 2023)</p>	<p>Strongly supports proposal. Has enjoyed walking proposed new path many times over the last year instead of farmyard, wellington boot height bog and stoney unlevel hazardous footpath that has now become a funnel for water from hills above. Current bridleway dangerous for humans let alone animals. Most practical solution is what has been proposed. Fortunate that landowners willing to set aside route through lovely field and reopen access for horses after all these years.</p>
<p>#32 Beamminster resident (Received July 2023)</p>	<p>Frequent user of footpath during 30 years living in area and keen horserider. Supports proposed changes, new path is through beautiful field of wild flowers and bluebell wood. Current bridleway has overhanging trees, jagged rocks, boulders and very deep muddy sections – would be suicidal to horse and rider. Nature has taken over this section of the bridleway and it should stay that way.</p>
<p>#33 Beamminster resident (Received July 2023)</p>	<p>Regular user of footpaths and bridleways in Beamminster for last 30+ years. Very much in favour of proposals. New bridleway would be more accessible and provide safe, practical and enjoyable route for walkers and riders. Current footpath washed out with deep bog – difficult to navigate. Current bridleway completely overgrown and washed out for as long as they can remember. Clearing bridleway would disturb wildlife and still be unsafe to walk or ride up. As horserider, proposed route would offer safe access on to downs as other two alternatives in area are steep and slippery / difficult to navigate.</p>

Other responses received:

Name	Comments
Wessex Water	No objection. Apparatus in the area.
National Grid	No objection. Plan indicates apparatus in the area.
Environment Agency	Nothing to add to response to first consultation other than any works to the ordinary watercourse may require an ordinary watercourse consent which would be dealt with by the Flood Risk Management Team in Dorset Council, and that you should seek advice from your ecologist on any precautionary measures needed prior to the vegetation clearance works.
Senior Archaeologist Dorset Council	There are at present no recorded archaeological finds or features or historic buildings on or in the immediate vicinity of the routes affected by this proposal. Consequently, I do not feel that historic environment considerations constitute a constraint in the context of this proposal.

FIRST CONSULTATION

Summary of consultation responses

Dec 2022 / Jan 2023

Objecting to the proposal:

Name	Comments
West Dorset Campaign to Protect Rural England (CPRE)	Objects to extinguishment and diversion as public should have as much practical access to countryside by such routes as possible.
Beaminster Town Council	Historically believed route forms part of Drovers route. Diversion of Footpath 79 impacts on public's enjoyment - removes part of woodland walk. Proposal to combine Footpath 79 and Bridleway 80 at point B detrimental to habitat through woods as it is a wet area. Town Council urges Dorset Council to agree alternative route with applicant which offers privacy and security for landowner whilst maintaining route of current Footpath with exception of small section at point A where it runs through farmyard.
Beaminster resident (#1)	Bridleway 80 is an ancient Holloway which would be of substantial benefit to Beaminster if reopened. Proposed extinguishment of Footpath 79 would detract from enjoyment of the route as it is a delightful brookside / woodland walk particularly in the spring. Queries reasons of privacy / security for diverting bridleway / extinguishing footpath and notes that there is a public highway between points G and A. Suggests an alternative route avoiding farm buildings but retaining a path through the woods.
Beaminster resident (#2)	Objects to application as it would dramatically change route that my family and I enjoy regularly.
Beaminster resident (#3)	Objects to change of footpath into field - significant degradation of experience of walk.
Rampisham Resident (#4)	Proposed change will stop public access to charming brookside walk and permanently close a separate bridleway. Feels that new owners should not immediately change things when moving into an area.
Bridport Resident (#5)	Objects in principle as ancient pathways are part of our heritage and should not be moved just for benefit of landowner. Each time a pathway is lost so is part of our history.

APPENDIX 4

Beamminster resident (#6)	Historic route, much used and enjoyed by people of Beamminster, not acceptable that public enjoyment of footpath should be sacrificed to wishes of one landowner. Path should be improved, not taken away.
Member of Beamminster Ramblers & West Dorset Ramblers (#7)	Opposes application as it would reduce enjoyment of walk as woodland/brookside is a special section of the walk.
(#8)	Objects to proposals. Suggestion to look at keeping footpath in wood.
(#9)	Objects to closure of footpath and rerouting as currently it goes through a lovely wooded area especially beautiful in Spring. Being able to enjoy woodland benefits our mental health. No possible reason to close this. No objection to footpath avoiding farm yard.
Beamminster resident (#10)	Extinguishment and diversion will negatively effect enjoyment of walk we regularly enjoy. Removes access to woodland, stream and nature ponds.
Beamminster resident (#11)	Objects to extinguishment of footpath as it is only for privacy. Bridleway may be ancient drove to what was once a common so it should be preserved and restored for public use
(#12)	Extinguishment and diversion will spoil enjoyment of walk by stream especially in spring when wild flowers are out.
Dorchester resident (#13)	Few stream side woodland paths in Dorset and this route is particularly beautiful. Would like path to remain for future generations to enjoy.
Beamminster resident (#14)	Opposed to proposals as this will seriously compromise enjoyment of exceptional walk through area of outstanding natural beauty.
(#15)	The proposal to divert Footpath 79 from M southwards would negatively impact walk – section proposed to be diverted brings greatest pleasure in walk. Clearance of vegetation between points L - B - M - N", would have detrimental impact on vegetation and soil structure and beneficial micro-organisms.
Netherbury Resident (#16)	Footpath and bridleway not impassable. Rerouting into the field would not improve accessibility and enjoyment for public. Diversion of footpath and bridleway would not improve privacy and security since the public highway will continue to run through the buildings to point C. Suggests alternative proposal avoiding the farm buildings but retaining a route through woods.

APPENDIX 4

Beaminster resident (#17)	No reason to change public rights of way as they have existed for time immemorial. Footpath is ancient route descending from downs and any changes are detriment to local history. Enjoys current route which has diversity of indigenous flora and a pretty stream.
Littlebredy Resident (#18)	Footpath has been obstructed on purpose and diverted since the property changed hands. Enjoyed walking along by the brook.
Beaminster resident (#19)	Objects to extinguishment as it will impact on public enjoyment changing it from a stream side to field based walk. Objects to diversion as it will make footpath more hazardous and difficult for public and damage trees and hedgerows as horses will be diverted on a narrow path, and will result in loss of unique hollow way. Trees planted by the stream may have been supported by Millennium Project Funds so should be retained as a public amenity. Suggests alternative route avoiding farm yard but retaining part of current footpath and bridleway.
Local resident (#20)	Regularly walks woods at least twice a week. Objects proposal as it will reduce enjoyment of walk at all times of year.
Beaminster residents (#21)	Object to diversion through fields which get very boggy and wet and are not at all as pretty or pleasant to walk through as the current path. The land owner seeks to have their own private estate at the end of Chantry Lane which will add value to their property. A better solution would be as to send walkers around the side of the out buildings, however this has been refused by the owners.
Beaminster resident (#23)	Objects to extinguishment and suggests alternative which avoids farmyard and retains path through woods.
Beaminster resident (#24)	Objects to proposal. Suggests that it is not within powers of Highways Act 1980 to extinguish Footpath 79 and provide alternative route along new bridleway. Extinguishment of Footpath 79 and diversion of Bridleway 80 should be subject to separate considerations. Proposed route for Footpath 79 less commodious for public. The proposed route takes no account of the historic significance of existing route being adjacent to ancient route from Beaminster Town to Buckham Downs and South Perrot. Proposals present no positive reasons at all to extinguish, re-route and/or reclassify Footpath 79 have no merit and should be dismissed. Diversion of Bridleway 80 may be of benefit to users, given present parlous state of existing route. Proposals ignore historical significance of existing route. Correct course of action will be to repair existing route of bridleway
Beaminster resident (#25)	Walks route semi-regularly. Field option will significantly reduce the enjoyment of the walk.

Beaminster resident (#26)	Enjoys walking through woodland by stream and “would not like to see any changes to the peaceful little area, with it continuing to be open for all”.
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Supporting the proposal:

Name	Comments
The Ramblers	Supports proposal. Query over section of Footpath 76 around point I that may need diverting, and surface improvements which need to include L to B.
(#22)	Supports proposal as new route is far less muddy, offers great views, and avoids the farm which better for the dogs which get more time off the lead. Plenty of other lovely woodland walks and a 100 metre doesn't matter when there is a safe alternative next door.

Other responses received:

Name	Comments
BT	No affected apparatus
Wessex Water	No objection. Apparatus in the area.
National Grid	No objection. Plan indicates apparatus in the area.
Environment Agency	None of the works are near a main river channel so no FRA permit is required. If installing or altering culvert on ordinary watercourse (non-main river channel) likely to require ordinary watercourse consent – dealt with by the Flood Risk Management Team, DC
Senior Archaeologist Dorset Council	There are at present no recorded archaeological finds or features or historic buildings on or in the immediate vicinity of the routes affected by this proposal. Consequently, I do not feel that historic environment considerations constitute a constraint in the context of this proposal.

EXTRACT FROM BEAMINSTER PARISH SURVEY MAP 1951

