



Strategic and Technical Planning Committee

Date: Monday, 30 September 2024
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum 6)

Duncan Sowry-House (Chair), Dave Bolwell (Vice-Chair), Belinda Bawden, Toni Coombs, Richard Crabb, Spencer Flower, Craig Monks, David Northam, Belinda Ridout, Pete Roper, David Taylor 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

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Agenda

Item	Pages
1. APOLOGIES	
To receive any apologies for absence.	
2. MINUTES	3 - 6
To confirm the minutes of the meeting held on 2 September 2024.	

Officer Note.

Due to an administrative error, interested parties were not notified in advance of the 2nd September 2024 committee meeting, and the application is therefore being reported back to the Strategic and Technical Planning Committee on 30 September 2024.

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 Thursday 26 September 2024.

5. APPLICATION NO: P/TRT/2024/03586 LAND AT E 388252 N 120480 DINAHS HOLLOW MELBURY ABBAS SP7 0DE

7 - 22

Tree Works Application to remove trees at woodland, Tree Preservation Order (TPO) 38/2/05 at Dinah's Hollow, Melbury Abbas.

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 are no exempt items scheduled for this meeting.



STRATEGIC AND TECHNICAL PLANNING COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 2 SEPTEMBER 2024

Present: Cllrs Duncan Sowry-House (Chair), Dave Bolwell (Vice-Chair), Toni Coombs, Spencer Flower, Sherry Jespersen, Belinda Ridout, Pete Roper and David Tooke

Apologies: Cllrs Belinda Bawden, David Northam and David Taylor

Cabinet Leads in attendance: Cllr Jon Andrews and Cllr Shane Bartlett

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

Mike Garrity (Head of Planning), Elaine Tibble (Senior Democratic Services Officer), Lara Atree (Senior Lawyer - Regulatory), Kate Tunks (Service Manager for Infrastructure and Assets), Tanya Ruseva (Engineer) and Andrew Douglas (Senior Tree Officer)

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

Jack Wiltshire (Head of Highways)

36. **Minutes**

The minutes of the meeting held on 29 July 2024 were confirmed and signed.

37. **Declarations of Interest**

Cllr Flower made the following statement.

“In the last council I was the chairman of the cabinet. On several occasions the cabinet was called upon to make decisions about Dinah’s Hollow. In particular on 6 April 2021 the cabinet approved capital funding to deliver a scheme to stabilise the banks on both sides of the hollow. Although the cabinet approved funding for a scheme I was not involved as chairman of the cabinet in approving the detail of the planning application currently before the committee. I have been advised that my previous involvement as chairman of the cabinet in the last council means that I am lawfully predisposed towards making Dinah’s Hollow safe. Being predisposed is not the same as being unlawfully predetermined in my view. Like other councillors I am here today to consider this specific planning application and I will decide the application on its own merits, considering all of the information before the committee and the comments for and against.

38. **Application No: P/TRT/2024/03586 - Land At E 388252 N 120480 Dinahs Hollow Melbury Abbas SP7 0DE**

The Head of Planning presented the tree works application at Dinah’s Hollow, Melbury Abbas. The application sought to remove a number of trees, undertake some coppice work and general maintenance to the woodland area. Works

proposed to implement a highway scheme at a later date were not for determination, the report related to the Tree Preservation Order (TPO) application only.

In his Introduction the Head of Planning advised that the area was subject to a TPO and Dorset Council Cabinet had approved funding for the stabilisation works at their meeting of 9 July 2024, this included taking necessary steps for the submission of a Compulsory Purchase Order (CPO). These tree works were necessary to progress the CPO.

A summary of the key elements of the proposal included details of slope stabilisation works and tree works, including the number of trees to be felled (68 reduced from 80 as stated in the report), coppiced (64) and retained (139). An aerial photograph and site location plan showed the site and context within the landscape.

Additional information relating to the key considerations of Landscape, Ecology, Heritage, Public footpath and Amenity were identified and highlighted. Surveys had been undertaken which indicated the need to apply for protected species licences from Natural England prior to undertaking the work.

The CPO would take approx. 18 months to 2 years to progress, following which further surveys would need to be undertaken due to possible changes in ecology and habitats.

Conservation officers had been consulted and were satisfied that the tree works would not affect the nearest listed building.

The Senior Tree Officer detailed the more specific details of the proposed tree works. By use of a visual presentation the members were shown a diagram of the area and a breakdown of the trees that were to be retained, untouched, coppiced and removed. He suggested that the canopy spread as shown in the diagram was larger than the trees actually were.

The Senior Tree Officer had looked at the merits of the application and advised that the suggested work should be carried out as part of good management techniques, regardless of any additional engineering work. The work would result in the re-establishment of the canopy over time.

Details of the coppice work required were explained and the Senior Tree Officer re-iterated that some trees needed to be felled as part of good woodland management whether the highways work took place or not.

Oral representation was received by Jack Wiltshire, Head of Highways, as the applicant in support of the application.

In response to member questions the committee was advised that the undertaking of the work would preserve the Hollow for a longer time. Officers were unable to confirm the timescales of the work or whether it would be phased. The permission would be for a 5-year period and it would be up to the Authority and Contractor to determine the timings of the work.

The tree work would most likely be done by using a cherry picker to avoid further de-stabilisation of the slopes.

At this stage there was no defined management plan in place as this was the first stage of the ongoing stabilisation of the Hollow.

Members understood and were supportive of the need to do the works for both highway safety and Dinah's Hollow itself.

Proposed by Cllr Ridout, seconded by Cllr Coombs.

Decision: that the tree works application was granted subject to the following conditions:

- Works may only be carried out directly in advance of, and in conjunction with the Dorset Council Dinah's Hollow Slope Stabilisation project.
- Work to be undertaken in accordance with BS 3998:2010 Tree works – recommendations, BS 5837: 2012 Trees in relation to design, demolition and construction and the Wildlife and Countryside Act 1995.
- Any works identified in addition to the works outlined in the Arboricultural Impact Assessment and Arboricultural Method Statement dated 14th August 2024 will be subject to a further application.
- The tree works shall be undertaken in accordance with the Dorset Council Impact and Arboricultural Impact Assessment and Arboricultural Method Statement dated 14.08.2024 and combined tree works plans 1 and 2 August 24.
- This consent is given only in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012. It does not override any other statutory or non-statutory controls which may exist; you and/or your agent are responsible for compliance with any other relevant legislation. Wildlife and habitat controls are administered by Natural England who can be contacted on 0300 060 3900. It is an offence under the Wildlife and Countryside Act 1981 to disturb roosting bats, nesting birds or other species protected by this Act. All required licences must be in place prior to work commencing.
- All work to be carried out in its entirety within five years of the date of this decision.

Informative:

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 applicants/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.

Officer Note

Due to an administrative error, interested parties were not notified in advance of this committee meeting, and the application is therefore being reported back to the Strategic and Technical Planning Committee on 30 September 2024.

39. Urgent items

There were no urgent items.

40. Exempt Business

There was no urgent business.

Duration of meeting: 10.00 - 10.53 am

Chairman

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Agenda Item 5

Application Number:	P/TRT/2024/03586		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land At E 388252 N 120480 Dinahs Hollow Melbury Abbas SP7 0DE		
Proposal:	Please refer to supporting document Arboricultural implications which includes a full schedule of works/tree survey for proposed tree works.		
Applicant name:	Dorset Council		
Case Officer:	Andrew Douglas		
Ward Member(s):	Cllr Somper		
Publicity expiry date:	19 July 2024	Officer site visit date:	12 th August 2024
Decision due date:	23 August 2024	Ext(s) of time:	
No of Site Notices:	2		
SN displayed reasoning:	To ensure that the application is brought to the attention of people in the vicinity and as Dorset Council is the applicant		

Officer note: This application was previously referred to the Strategic and Technical Planning Committee on 2 September 2024. Due to an administrative error, interested parties were not notified in advance of that committee meeting, and the application is therefore being reported back to the Strategic and Technical Planning Committee on 30 September 2024. The officer report has been updated since the 2 September meeting, and the updates can be summarised as follows:

- Updates to the number of trees to be coppiced and the number of trees to be retained (section 6 of this report).
- Update to refer to an additional representation received from Melbury Abbas and Cann Group Parish Council (section 9 of this report).
- Updated number of representations received, to account for a further representation received since the previous committee report was published (section 9 of this report). All representations received are available to view online.
- Update to the total number of trees referred to (sections 16 and 17 of this report).

These updates are shown in red text in the below report.

1.0 A Tree Works Application has been received to remove trees at woodland Tree Preservation Order (TPO) 38/2/05 at Dinah's Hollow, Melbury Abbas. The works are required in order to implement a Highways scheme. Cabinet considered a report relating to this scheme on 9th July at which funding for the scheme was approved, together with authorisation to progress a Compulsory Purchase Order for land relating to the scheme. The tree works application is referred to this committee for determination due to the complexity of the proposed works and the fact that the applicant is Dorset Council. Following a site visit by the Interim Tree Team Leader, the application has been amended to reduce the number of trees to be felled. Due to the likely time taken to implement the Compulsory Purchase Order (which needs to be completed prior to commencing the highway scheme, if land cannot be acquired by negotiation) a condition allowing the works to be completed within five years of the date of the decision has been requested, rather than the standard two years.

2.0 Summary of recommendation:

Grant the tree works application subject to conditions as set out in section 18.

3.0 Reason for the recommendation:

On balance it is considered that the proposed tree works are justified in order to enable the approved highway scheme to be implemented which will deliver significant public safety benefits. These are deemed to outweigh the identified harm.

4.0 Policy context

The purpose of a Tree Preservation Order (TPO) is to preserve the trees and their amenity value. The Procedure for making a tree preservation order is set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Local Planning Authorities can make a TPO if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. In this respect, 'expediency' means that there is a risk of trees being felled or pruned severely so as to spoil the amenity of the trees or be detrimental to the health of the trees. An Order prohibits the cutting down, topping, lopping, uprooting or wilful destruction of trees without the Local Planning Authority's written consent.

The North Dorset (Dinah's Hollow, Melbury Abbas 38/2/05) Tree Preservation Order was made on 16th November 2005 to protect trees in the Dinah's Hollow area and to ensure that the management of the woodland was taken into account when future highway schemes were proposed. The TPO was designated as a Woodland Order to reflect the diverse age and species structure of the wood and because regenerative growth is automatically protected by this type of TPO. (Other options include individual, group and area TPO's, but these only protect trees present when the order is made).

5.0 Description of Site

The C13 public highway at Dinah's Hollow runs approximately 300m in length north to south in a deep hollow to the north of Melbury Abbas and south of Cann Common.

The woodland TPO covers a strip of land to the east and west of the road, protecting trees on the steeply sloping bank either side of the C13. The hollow has suffered a number of land slippages resulting in the highway being reduced to a single carriageway, controlled by traffic lights with concrete barriers running either side of the hollow to minimise future land slippages onto the carriageway. The banks either side of the highway have an incline of between 30 and 90 degrees.

The eastern bank is occupied by a range of broadleaved tree species including Ash, Hazel, Beech, Oak, Cherry and Hornbeam. The western bank again holds mainly broadleaved species including Ash, Hazel, Beech, Oak, Cherry and Hornbeam as well as individual coniferous trees (Scots Pine). Holly is present in both banks.

6.0 Description of Proposed Works

The proposed works are set out in the Arboricultural Impact Assessment and Arboricultural Method statement submitted with the tree work application and which is available to view on the Council's website using the following link:

[Planning application: P/TRT/2024/03586 - dorsetforyou.com \(dorsetcouncil.gov.uk\)](https://dorsetcouncil.gov.uk/planning-application/P/TRT/2024/03586)

The report states that "it is of utmost importance that the tree constraints highlighted within this document are used to plan and guide construction activities". The surveys undertaken indicate that there has been a lack of management in the woodland in recent years, leading to collapse of mature hazel coppice stools with some falling towards the highway.

Section 1.4 of the report summarises the slope stabilisation works as involving: removal of vegetation and tree works; some localised re-profiling; installation of drainage within the slopes and within the highway; and installation of soil nails (steel bars 30mm in diameter which are grouted in place into drilled holes).

For clarity, a request was made for an updated plan and schedule of works to identified trees. This has now been received and is available on the website. These will be included in the presentation to committee.

Section 2.3.2 of the report summarises the following tree works required as a result of both the tree condition survey and required to facilitate the engineering works:

- 80 trees to be felled
- 38 trees to be coppiced (this is a traditional method of woodland management)
- 100 trees to be retained

When the original application was submitted, the proposal was to fell 90 trees and coppice 64. Following a detailed site visit with the applicant this number has been considerably reduced.

The conclusion at 2.5 states that "for the ongoing continuous health and wellbeing of the wooded areas it is of high importance for all retained trees to be suitably protected during stabilisation works". The tree protection and working methods around retained trees is set out in the Arboricultural Method Statement. This covers:

- General precautions
- Order of implementation

- Arboricultural supervision
- Start of tree works
- Pre-commencement – tree protection measures
- Procedures for installation of stabilisation systems with tree root protection areas
- Any other excavations within the root protection area's – drainage
- Additional works not identified

Appendices include the tree inspection report and location plan of the trees identified in the tree inspection report, information on tree categories and tree protection measures.

Written confirmation has been received from the Forestry Commission that a felling licence is not required for this work. The tree works have therefore been submitted as a tree works application.

The Arboricultural Impact Assessment and Arboricultural Method Statement has been assessed by the Council's Senior Tree Officer and is considered to be sound for the proposed works. Therefore, a condition is proposed to ensure that the methodology outlined in the submitted documents is adhered to.

7.0 Relevant Planning History

A tree work application was submitted to North Dorset District Council in 2015 and approved at Committee (2/2015/1677/TPTREE). This gave permission for 126 trees to be felled and 160 to be coppiced. The approved works were not carried out and the approval has subsequently expired.

8.0 List of Constraints

Cranborne Chase National Landscapes (Areas of Outstanding Natural Beauty): (statutory protection Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty- National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Grade: II Listed Building: SPRING HOUSE List Entry: 1110278.0; (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Tree Preservation Order reference - TPO (0803/06) and (NDDC/TPO-38/2/05)

North Dorset District-Wide Local Plan (1994-2011); Saved Policies; Groundwater Source Protection Area; 1.16; and North Dorset Local Plan Part 1 (2011-2031); Adopted; Outside settlement boundaries (countryside); Policy 2, 20;

Neighbourhood Plan - Emerging; Name: Melbury Abbas & Cann NP; Status Reg 14 consultation completed; limited weight

Neighbouring Local Authority - Wiltshire - Distance: 736.39

Parish Councils - Melbury Abbas CP and Cann CP

Public Right Of Way - Right of Way: Footpath N59/24;

Environment Agency - Groundwater – not susceptible to flooding;

Dorset Council Land (Dedicated): Land dedicated for road widening at Dinahs Hollow, Melbury Abbas - Reference 03932

Dorset Council Land (Easement): Easement for a right of way at B3081 near Higher Barn Farm, Cann / Melbury Abbas - Reference 10073

Cranborne Chase National Landscape (formerly AONB)

Higher Potential ecological network – including Wildlife Present (flora and fauna): e.g. Eurasian Badger; eastern Grey Squirrel; dormice; bats

Site of Special Scientific Interest (SSSI) impact risk zone;

Flood Zone 2 and 3

Environment Agency - Risk of Surface Water Flooding Extent 1 in 100, 1 in 1000

Flood Risk Zone 3a and 3b

Surface water flooding - 1 in 100 year event plus 20% and plus 40% allowance

Minerals and Waste Safeguarding Area and Building Stone

Radon: Class: Class 1: Less than 1% and Class 3: 3 - 5%

9.0 Consultations

The application was advertised by means of site notices displayed on 18th July 2024 with an expiry date of 8th August 2024.

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

Consultees

Melbury Abbas and Cann Group Parish Council – comments received

The Parish Council Group objected to the application on a number of grounds including: impact on ecology (bats, dormice, great crested newts, trees, root protection areas and flora); impact on drainage; lack of visual impact assessment; the need to look at alternative options to the proposed soil mesh and soil nails, impact on cultural heritage of Melbury Abbas and; conflict with the Council's Climate Change and Environmental policies.

Additional representation has been received from the Parish Council.

Independent geoscientific assessment undertaken suggesting alternative/less intrusive solutions maybe available to those proposed.

The LPA is unable to comment on the additional points raised as the application before Committee is the initial Tree Works application and not an application for engineering works.

Representations from other parties have raised the following points in summary:

Representations received

Cranborne Chase National Landscape

- The location is within the Cranborne Chase National Landscape and the amended section 85 duty of the Countryside and Rights of Way Act 2000 applies. There is nothing in the submitted document to demonstrate how the applicant is complying with the duty “to seek to further the purposes of designation (conserving and enhancing natural beauty)”. That duty also applies to the decision maker.
- Unaware that planning permission has been granted for the engineering works in a national landscape – back to front to be seeking approval for tree works to facilitate engineering works that do not have, and may not get, planning approval.
- Use of glyphosate will kill all plant life and impact woodland flora.
- The proposed works would impact on wildlife including bats, dormice and badgers.
- The proposed engineering work would impact adversely on the physical landscape, its appearance and the public perception of a nationally important landscape.

CPRE

The CPRE has objected to the application on a number of grounds including: impact on ecology (bats, dormice, great crested newts, trees, root protection areas and flora); impact on drainage; lack of visual impact assessment; the need to look at alternative options to the proposed soil mesh and soil nails, impact on cultural heritage of Melbury Abbas and; conflict with the Council’s Climate Change and Environmental policies.

Other representations received

Twelve letters of representation have been received from local residents and landowners in response to the consultation, objecting to the application and considering that tree removal, heavier rainfall caused by subsidence and the weight of traffic is causing the subsidence. They suggest the road is rerouted from the A30 and up to join the C13. Impact on the ecology or alternatives such as a bypass are considered. Comment is made that the tree list forming the basis of the current proposal includes very many trees with no recommendation listed. Tree roots are the best way to stabilise the soil.

Expert officer comments

Consultation responses have been received from the Council’s Senior Landscape Architect, Natural Environment Team Manager and Senior Conservation Officer (Spatial Planning and Majors).

Landscape

The Senior Landscape Architect refers to a Landscape and Visual Assessment of the scheme undertaken in 2015, which concluded that the impact of the tree and engineering works would likely result in a moderate to substantial adverse level of effect immediately after the felling, but this would reduce to a slight adverse level of effect in the longer term when coppiced trees have regenerated and ground flora established.

Whilst the proposals would have a localised and significant adverse landscape and visual impact, the proposals have given great weight to the conservation and enhancement of landscape and scenic beauty and the conservation of wildlife and cultural heritage subject to the limitations of the engineering requirements of a scheme necessary to address the issue of public safety and continued use of the C13. The scale and extent of the proposed works are limited and it is clear that best efforts have been made both to mitigate the scheme and to retain the Holloway and its fauna and flora as far as possible.

The submission concludes that “while the proposed works would have a significant adverse effect on the Holloway itself they are clearly necessary and in the public interest and I consider it unlikely that the landscape and scenic beauty of the wider Cranborne Chase National Landscape would be significantly adversely [a]ffected. I therefore have no landscape or visual objection to the proposed tree works being undertaken.”

Ecology

The response notes that the application does not include information regarding ecological assessment. As a rule, protected species and priority habitats are treated as a material consideration in the planning process, as outlined in DEFRA Circular 01/2005.

The response notes that it may be that the trees and the associated habitats on-site have been surveyed for bats and other protected species, but this information has not been made available with this application. From the above it is clear that the Council must satisfy itself that based upon survey data, a licence, if required, is likely to be granted by Natural England and that this is a pre-determination matter. It should be noted that the Circular states that only in ‘exceptional circumstances’ should ecological survey be dealt with by way of planning condition. Should the applicant wish to submit a rationale for consideration under the exceptional circumstance caveat this could be reviewed and further comment provided.

The response concludes that further information regarding the potential impacts upon protected species is sought from the applicant prior to determination.

Heritage

The response confirms that there are no built designated heritage assets identified within the immediate extent of the application site so proposals are not considered to impact directly on the fabric of any assets. An assessment has been undertaken to consider the impact on the significance of Spring Cottage, Grove Farmhouse and the

Glyn Arms. Based on the applications supporting plans, the response concludes that the proposals will lead to no harm on heritage grounds.

Other issues raised

The following comments have been included in representations but are not materially relevant to the consideration of the tree work application. They relate to the proposed highways scheme. The applicant has been made aware of these for consideration:

- Need to show that alternative methods have been considered for the project. Electro Kinetics may be a more practical and cost-effective method. Unsuitability of the Upper Greensand geology for proposed scheme.
- Drainage issues including: mitigation to prevent silt, erosion, road pollution and agricultural runoff from entering the drains and river; mitigation to prevent storm surge flooding houses; and the impact of installing a main carrier drain down the centre of the C13 on run off and flooding. Impact of new drainage on adjoining areas including fisheries and springs.
- Will the pond have a SUDS or be connected to the carrier drain in the road? Why will it be necessary to dredge the proposed settlement pond annually?
- Mitigating the loss of important habitat for rare bats, dormice, great crested newts and badgers by transferring them to alternative sites is unlikely to be successful. There is no evidence of any biodiversity gain in this scheme.
- Impact of undertaking the work on adjoining roads when C13 is closed
- Proposal to plant with native grasses is inappropriate in a woodland
- Dinah's Hollow should not be compared with Beaminster
- Object to spending public money on this scheme
- No seismology reports have been undertaken – further felling and vibrations from large vehicles using the road may lead to further erosion

10.0 Duties

The law on Tree Preservation Orders is in [Part VIII of the Town and Country Planning Act 1990](#) as amended and in the [Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#). In considering an application, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.

Section 85 of the Countryside and Rights of Way Act 2000 (as amended) requires that, in exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty (AONB), must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. AONBs are also referred to as national landscapes.

11.0 Relevant Policies

Development Plan

North Dorset Local Plan Part 1 Policy 4 the Natural Environment, Policy 5 the Historic Environment, Policy 13 Grey Infrastructure

Material Considerations

The Dorset Council Local Plan

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

Emerging Neighbourhood Plans

Melbury Abbas and Cann Neighbourhood (draft). This is at Reg 14 in preparation stage and has limited weight.

National Planning Policy Framework (NPPF)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Chapter 15 relates to conserving and enhancing the natural environment. Para 180 states that planning policies and decisions should contribute to and enhance the natural and local environment by b) recognising the intrinsic character and beauty of the countryside...including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Para 182 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (now designated National Landscapes), and para 183 states that when considering applications in National Landscapes "permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of...the need for the development...the scope for developing outside the designated area, and...any detrimental effect on the landscape and the extent to which that could be moderated.

Chapter 16 Heritage para. 200: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

NPPF Glossary: Setting of a heritage asset and the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative

contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral (NPPF, Annex 2: Glossary).

Planning (Listed Buildings and Conservation Areas) Act 1990. The Council has a statutory duty under section 66 of the 1990 Act requiring it to have: special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

BS 7913:2013, Guide to the Conservation of Historic Buildings (re: setting)

Planning Practice Guidance (PPG), s.v. 'Historic Environment'

Policy 5 of the North Dorset Local Plan

Historic England, Conservation Principles, Policies and Guidance (2008) (re: setting)

Historic England, The Setting of Heritage Assets, 2nd edn (GPA 3, 2017)

Historic England, Managing Significance in Decision-Taking in the Historic Environment (GPA 2, 2015)

Historic England, Statements of Heritage Significance: Analysing Significance in Heritage Assets - HEAG279 (2019)

ODPM Circular 06/2005 & DEFRA Circular 01/2005
Wildlife and Countryside Act 1981

Other material considerations

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

12.0 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.

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.

13.0 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.

It is not considered that granting this tree work application will result in any disadvantage to people with a protected characteristic.

14.0 Financial benefits

There are no financial implications for the Council directly as a result of this application. Costs for undertaking tree works have been included in the approved highways scheme.

15.0 Natural Environment, Climate and Ecology Implications

Whilst there will undoubtedly be a negative impact on the natural environment in terms of trees being removed, this needs to be considered within the context of the proposed scheme which is to stabilise the banks of the C13 and future proof this key route against future climate change impacts such as increased storminess and higher rainfall. This should reduce the risk of future land slips and protect public safety.

16.0 Assessment of the application

Landscape

The site lies outside a defined settlement in the open countryside which is designated for its landscape quality as a National Landscape. At Cabinet on 9th July, the Council considered government guidance to local authorities in relation to the section 85 duty. This states that the requirement to have regard to conservation and enhancing natural beauty will not override particular considerations which have to be taken into account by relevant authorities in carrying out any function, but is intended to ensure that the purpose for which National Landscapes have been designated is recognised as an essential consideration in reaching decisions or undertaking activities impacting upon a National Landscape.

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

It is the view of the Council’s Senior Landscape Architect that whilst the proposals would have a localised and significant adverse landscape and visual impact, the proposals have given great weight to the conservation and enhancement of landscape and scenic beauty and the conservation of wildlife and cultural heritage subject to the limitations of the engineering requirements of a scheme necessary to address the issue of public safety and continued use of the C13. The scale and extent of the proposed works are limited and it is clear that best efforts have been made both to mitigate the scheme and to retain the Holloway and its fauna and flora as far as possible.

The Council has carefully considered alternative schemes but discounted these as either their effectiveness could not be guaranteed or because the impact could be greater on the National Landscape than that of the proposed scheme.

Ecological issues

Protected wildlife occurring on the woodland includes bats and dormice, and potentially badgers. There is a possibility that great crested newts may also be present. Government guidance regarding tree work applications states that “applicants, agents and authorities must have regard to statutory obligations concerning protected species. Where there is evidence that protected species such as bats may be present and might be affected by the proposed work the applicant, their agent and the authority should have regard to the relevant [legislation and guidance](#).”

The ecological consultation response received from the Natural Environment Team Manager outlines how for planning applications, protected species are a pre-determination issue. However, this report is only focusing on consent being sought for the Tree Works Application. If the engineering works amount to permitted development then express planning permission will not be required.

For planning applications, detailed ecological mitigation and consents would normally be required in advance of planning consent being granted. In this case, the approval for the tree works is required well in advance of the works being undertaken as it is a pre-requisite to enable Dorset Council Highways to apply for a Compulsory Purchase Order. This is likely to take 18 months to 2 years. During this time the presence, absence or abundance of protected species may change and licence requirements with it.

It is therefore proposed that a staged process is undertaken. Surveys already undertaken have indicated the need to apply for protected species licences, which will be obtained prior to the works being undertaken. As the consent for the tree works is required to commence the process for the Compulsory Purchase Order, it is proposed that the requirement for protected species licences is conditioned as being required prior to undertaking the tree and engineering works. This would only proceed once the Compulsory Purchase Order has been approved. In these circumstances it is considered that this meets the exceptional test to grant the tree works in advance of the species licence being obtained. Protected species are protected under national and international law, so it will be a legal requirement of Dorset Council highways to obtain relevant licences in advance of any works being undertaken. This falls under the jurisdiction of Natural England, and the applicant would need to meet specific tests before a licence would be granted.

A condition is proposed to ensure that the requirements of the Wildlife and Countryside Act are adhered to (including avoiding disturbance to nesting birds). The Arboricultural Method statement states that appropriate licences will be obtained from Natural England prior to undertaking any works. The woodland is not registered as being Ancient Woodland.

Heritage

Spring House (a grade II listed building) lies at the southern end and outside the boundary of the TPO. Whilst it will not be directly affected by proposed tree works, an assessment has been undertaken on the potential impact on the setting of the listed building in the short term following works. The National Planning Policy

Framework states that great weight must be given to heritage assets. The Conservation consultation response concludes that the scheme has been clearly and convincingly justified and that overall the scheme will result in no harm to the setting of the listed building.

Other issues

There is a public right of way reference N59/24 at the northern end of the TPO. The proposed works may affect or impede use of the public right of way while the works are being undertaken, and the rights of way team should be consulted prior to works starting. The Highways team will need to consult with the Greenspace team prior to the works being undertaken.

There is a conflict with policies 4 and 5 of the North Dorset Local Plan in terms of the impact on the natural environment and heritage. It is considered that this is outweighed by benefits arising from policy 13 (Grey Infrastructure) in terms of the effect of the stabilisation scheme on the road network and public safety.

Proposed removal of trees and impact on amenity

A tree work application has been received (24/03586) to undertake a number of tree works specified with the submitted Arboricultural Impact Assessment and Method Statement dated 18th June 2024 and updated 14th August 2024 on either side of the Hollow in order to facilitate the stabilisation of the banks by way of a soil nailing anchoring to prevent further landslips, but also and importantly to manage trees correctly.

It is understood that to affect a durable solution to bank stability, the loss of trees is inevitable. However, following a site visit by the Interim Tree Team Leader and having fully assessed the trees standing on the Hollow, the number of semi and mature trees to be lost has been re-assessed and altered in agreement with the applicant's ecology and engineering specialists.

A total of 80 **of the 218** trees standing on the hollow are to be removed, some to facilitate the engineering works but others for good management. All but trees T115 (Oak), T119, T122 (Acer) T80, T158, T159, T162, T172 (Ash), are suppressed or juvenile trees with stem diameters of between 10 and 25cm.

Of the semi-mature/mature trees the Ash are suffering from Ash Die Back, while the Oak has exposed bank roots and defective buttresses and as such there are concerns for the tree's future stability. This is also the case with the Acers.

38 **of the 218** trees (Hazel, Ash and Acer) are to be coppiced (re-coppiced in the case of the Hazel), which is deemed good Arboricultural practice. This will aid implementation of the engineering works and the coppicing will prevent the stools splitting apart in the future and encourage new vigorous regrowth.

Importantly the hollow holds several mature and possibly veteran trees. Following a number of detailed site visits, it has been agreed that these trees (which are the most visually and ecologically important and form a significant portion of the canopy 'umbrella' effect over the carriageway as well as skyline features of the upper hollow) will be retained. With prudent management these trees can be retained for the long term in a healthy condition.

It is accepted that local feeling is high in respect to the stabilisation work and associated tree work, as there will be an immediate impact on the enclosed feel of

Dinah's Hollow. This will be relatively short term as it is anticipated that ground cover natural regeneration will soften the immediate impact of the engineering works quickly and regeneration of coppice stools will follow, restoring the hollow to approaching its former cover.

It is considered that on balance that the loss of cover will be relatively short term and that future regeneration will lead to a return to the levels of tree cover seen currently for future users of the hollow to enjoy and benefit from. There will be the added benefit of a significantly reduced risk to the carriageway users.

The information originally submitted included two plans and a schedule of works that included all surveyed trees but did not identify where works were required for engineering works. For clarity, a request was made to submit a plan and schedule which details all the tree works required for both engineering and good management. The updated submissions are referred to in the proposed conditions.

This application is only being considered for the requested tree works and the impact of the proposal on the trees and the amenity they provide. It is not considering permission for the engineering works which requires a separate process.

When considering a tree work application, the local authority assesses the amenity value of the woodland and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it. It should also consider whether there are requirements in regard to protected species and what conditions may be required. With regard to this application, it is considered that the benefits of the proposed highway scheme in terms of public safety and to prevent loss of life outweigh the short term impact on the amenity of the woodland TPO.

17.0 Conclusion

The proposed tree works lie within the Cranborne Chase National Landscape and it is recognised that these would have a localised and significant adverse landscape and visual impact, involving the felling of 80 trees (**out of the 218 trees in total**). However, it is considered that this impact would gradually be reduced when coppiced trees regenerate and ground flora becomes more established. The scale and extent of the works are limited and it is unlikely that the landscape and scenic beauty of the wider Cranborne Chase National Landscape would be significantly adversely affected.

It is noted that protected wildlife is present on the site. Notwithstanding that tree preservation orders are made to preserve the amenity value of trees, it is recognised that protected species licences will need to be obtained separately from Natural England before any works can commence.

Officers have had regard to the information provided by the applicant which confirms that alternative (and more harmful) schemes have been considered and discounted, and which provides the justification for the highway scheme, including the need to stabilise the slope, improve road safety, and afford highway protection from future landslides. This has significant public safety benefits. It is also noted that arboricultural management as part of the proposal, as well as the stabilisation works, will benefit those trees to be retained onsite. Furthermore, the Council's duty to seek to further the purpose of conservation and enhancing the natural beauty of the

National Landscape does not override the Council's legal obligations as a Highways Authority under the Highways Act 1980.

Therefore, having regard to the amenity value of the protected trees, it is considered on balance that the proposed tree works are justified in order to enable the approved highway scheme to be implemented.

The recommendation includes conditions to ensure that works are only undertaken directly in advance of the Dinah's Hollow Slope Stabilisation project and a requirement to adhere to other legislation including the Wildlife and Countryside Act to ensure that the ecology of the site is protected.

18.0 Recommendation

Grant the tree works application subject to the following conditions:

- Works may only be carried out directly in advance of, and in conjunction with the Dorset Council Dinah's Hollow Slope Stabilisation project.
- Work to be undertaken in accordance with BS 3998:2010 Tree works – recommendations, BS 5837: 2012 Trees in relation to design, demolition and construction and the Wildlife and Countryside Act 1995.
- Any works identified in addition to the works outlined in the Arboricultural Impact Assessment and Arboricultural Method Statement dated 14th August 2024 will be subject to a further application.
- The tree works shall be undertaken in accordance with the Dorset Council Impact and Arboricultural Impact Assessment and Arboricultural Method Statement dated 14.08.2024 and combined tree works plans 1 and 2 August 24.
- This consent is given only in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012. It does not override any other statutory or non-statutory controls which may exist; you and/or your agent are responsible for compliance with any other relevant legislation. Wildlife and habitat controls are administered by Natural England who can be contacted on 0300 060 3900. It is an offence under the Wildlife and Countryside Act 1981 to disturb roosting bats, nesting birds or other species protected by this Act. All required licences must be in place prior to work commencing.
- All work to be carried out in its entirety within five years of the date of this decision.

Informative:

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 applicants/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.

