



Strategic and Technical Planning Committee

Date: Friday, 14 March 2025
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 224709 - megan.r.rochester@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 To confirm the minutes of the meeting held on Monday 27 th January 2025.	5 - 26
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 Wednesday 12th March 2025.

5. APPLICATION TO DIVERT PART OF FOOTPATH 11, COMPTON ABBAS AT COMPTON ABBAS AIRFIELD 27 - 68

This report considers representations received to the Dorset Council (Part of Footpath 11, Compton Abbas) Public Path Diversion Order 2024, whether or not to submit it to the Secretary of State for confirmation and the stance that the Council should take if submitted.

6. P/VOC/2024/05918 - NORTH DAIRY FARM ACCESS TO NORTH DAIRY FARM, PULHAM, DT2 7EA 69 - 94

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 (with variation of Condition No. 2 of Planning Permission No. P/FUL/2021/01018 to extend the operational period of the site from 35 years to 40 years).

7. P/VOC/2024/03497 - ANAEROBIC DIGESTER PLANT RAINBARROW FARM MONKEYS JUMP ROUNDABOUT TO JUNCTION BELOW ALINGTON PLACE, MARTINSTOWN, DT2 9JF 95 - 122

The construction and operation of an Anaerobic Digestion and Combined Heat and Power Plant and associated infrastructure including a new site access road at Rainbarrow Farm (Site 1) and underground service corridor linking to a new Combined Heat and Power engine in existing Engine House (Site 2) at Poundbury to supply Poundbury with renewable heat and power (Revised proposal) (Changes to proposed plant, infrastructure and land profiling at Rainbarrow Farm (Site 1)) and as varied by 1/D/2011/2113 to include repositioning of flare and CHP container, and additional equipment to include standby generator, switch gear, back up boiler, DMT Membrane Plant, transformer, 3 tank propane store and new gas pipeline to site boundary, to enable the majority of the gas produced by the Anaerobic Digester Plant to be fed directly into the public gas supply network at the pressure regulating station adjacent Monkeys

Jump Roundabout (with variation of conditions 27 and 28 of planning permission 1/D/2011/2113 to regularise the existing development by increasing traffic levels, annual feedstock throughput and feedstocks).

8. 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.

9. 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.

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STRATEGIC AND TECHNICAL PLANNING COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 27 JANUARY 2025

Present: Cllrs Duncan Sowry-House (Chair), Dave Bolwell (Vice-Chair), Toni Coombs, Richard Crabb, Spencer Flower, Craig Monks, David Northam, Belinda Ridout and David Taylor

Present remotely: Cllrs Belinda Bawden

Apologies: Cllrs Pete Roper and David Tooke

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

Lara Atree (Senior Lawyer - Regulatory), Ann Collins (Area Manager – Western and Southern Team), Tony Cosgrove (Lead Project Officer (Minerals & Waste), Philip Crowther (Legal Business Partner - Regulatory), John Miles (Democratic Services Officer), Matthew Pochin-Hawkes (Lead Project Officer) and Megan Rochester (Senior Democratic Services Officer).

65. **Minutes**

The minutes of the previous meeting held on Tuesday 26th November 2024 were confirmed and signed.

66. **Declarations of Interest**

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

67. **Registration for public speaking and statements**

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

68. **P/VOC/2024/07289 - Land south-east of Sunrise Business Park and north of the A350 Blandford Bypass, Blandford Forum.**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. The existing waste management infrastructure did not adequately meet the demands of the Blandford residents, prompting for the application to be put fourth for the proposed site located across the road from Lidl on the A350. The greenfield site would have incorporated a long interior access road designed to improve accessibility and operational efficiency. Following the

granting of permission in 2022, a variation to condition archaeology 3 was now proposed. The Case Officer felt that it was crucial to note that no construction could commence on the site until all archaeological assessments and necessary work had been completed. The previous approved condition failed to deliver the required standards, leading to the proposal of a revised condition that allowed for modifications to ensure compliance. Comments from the senior archaeologist further substantiated the need for the adjustments, highlighting the importance of adhering to archaeological protocols. The Officer's recommendation was to grant the application.

Public Participation

There was no public participation.

Members questions and comments

- Clarification as to which area would be released for archaeological works.
- Cllr Northam sought clarification to paragraph 134 of the officer report as it didn't concur with the officer comments regarding Dorset Council being the applicant.
- Cllr Rideout queried where the results of the archaeological dig would have been published and whether they would be available to the wider public.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **APPROVE** the officer's recommendation to **GRANT** the waste management centre as recommended, was proposed by Cllr Spencer Flower, and seconded by Cllr Toni Coombs.

Decision: Grant the application as per the officer recommendation.

69. P/FUL/2024/04447 - Land North of Eweleaze Spinney, Chickerell

The Case Officer provided members with the following update;

- An update sheet had been circulated to members ahead of the meeting.
- Revised drawings.
- Briefing note from applicant.
- Additional representatives had been received.
- Revised planning conditions: Condition 2; approved drawings. Condition 7: water tanks and Condition 9; hard and soft landscaping.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site, which was located between Southill and Chickerell, and explained the proposal and relevant planning policies to members. Members

were informed of the planning considerations including site boundaries, proximity to residential properties, and its current use for horse grazing. The site was characterized by several constraints, including surface water flood risk, public rights of way, a mineral safeguarding area, and the presence of a national grid overhead line. Photographs from the southern boundary of the site provided a clear perspective looking towards the site.

The previous planning application was refused in March 2024 due to concerns related to fire safety, contamination, single vehicular access and lack of vehicle passing places. The current planning application was a revised scheme to address the reasons for refusing the earlier application. Key changes in the proposed layout included a reduction in power capacity, the introduction of a secondary emergency access route, and a well-considered landscaping plan featuring wildflowers and shrub planting that aligned with existing features. The overall design aimed to provide a well-contained environment that offered significant amenity benefits. Significant attention had been given to drainage strategies developed in collaboration with the council's flood risk management team. Additionally, the initiative incorporated renewable and low-carbon technologies, targeting electricity storage that could support approximately 19,500 households across Dorset—representing 8.7% of local demand. The key planning issues favourably supported the principle of development, aligning with national planning practice guidance and NFCC standards for health and safety. The Officer's recommendation was to grant planning permission subject to conditions set out in the officer report.

Public Participation

Mr Fannon spoke in objection to the proposal. He questioned the absence of credible test data, emphasizing that safety couldn't be assumed without real-life evidence. He highlighted that containers burn for days and felt that BES facilities belong far from communities. The applicant's promise of minimal energy supply—only 1.7 watts per home—seemed inadequate. With the threat of toxic smoke looming. He hoped the committee would consider the safety of residents and refuse the proposal.

Kay Kelsall felt that the application failed to meet fire chief requirements for two distinct access points. The report acknowledged that the secondary eastern route merged with the primary route, undermining safety. While the applicant cited prevailing northern winds, real-life examples reveal the risks posed by smoke and toxins from fires, not the flames themselves. There's no substantiated evidence of an effective fire response to mitigate these concerns. Ms Kelsall felt that the proposal was unacceptable and urged members to refuse.

John Perrot also spoke in objection to the proposal. He felt that the concerns regarding the FRS were valid and should have been prioritized by the committee. The poor application design raised significant issues, particularly with contaminated water. Previous refusals highlight the flaws which remained unaddressed. Three minutes is insufficient to fully outline the inconsistencies, especially regarding pollution control. The similarity of the two applications cannot be ignored. It's crucial to uphold Policy 9 of the NPPF and object accordingly.

Chris Cox spoke on behalf of the applicant. He felt that the proposal represented a significant step forward in addressing previous concerns and delivering a project which prioritized safety, environmental benefits, and renewable energy security. From the outset, the applicant and agent had worked closely with Dorset & Wiltshire Fire and Rescue Service, engaging with them to ensure that fire safety measures met and exceeded their requirements. Their input had been invaluable in shaping a comprehensive approach to fire prevention, detection, and suppression. To address the committee's previous concerns about emergency access, a secondary access route had now been incorporated into the design. This ensured that emergency services would always have rapid and reliable access to the site. In terms of fire safety, the proposal incorporated cutting-edge systems which would work together to create one of the most robust fire safety frameworks in the industry. All statutory bodies, including the Environment Agency, Dorset & Wiltshire Fire and Rescue, and public health officers, had raised no objections, demonstrating their confidence in its safety and design. Additionally, significant biodiversity enhancements would have been delivered. To conclude, the project adopted the most advanced safety systems of any Battery Energy Storage System in Dorset. It supported renewable energy generation and contributed to the UK's energy security, whilst also delivering environmental benefits to the local area. Mr C Cox thanked the officer for their comprehensive report and hoped members would support.

Cllr David Palmer spoke on behalf of Chickerell Town Council who hoped the committee would overturn the officer recommendation and refuse the planning application. He highlighted their justification for requesting the committee to refuse based on the proximity of the proposed site to both an existing urban area and proposed new housing development, which if agreed, would have delivered 393 new houses and land for a primary school adjacent to the proposed storage site. Cllr Palmer highlighted the concerns of the residents of Chickerell through their attendance at Town Council meetings and conversations with Councillors. They were concerned regarding the fire risk and the potential release of hazardous chemicals and the health risks that it would impose. The Town Council also referred to the Chickerell Neighbourhood Plan, highlighting wildlife corridors and the importance of protecting land from potential development. Cllr David Palmer also highlighted the proximity of the proposed development to the football stadium and the Dorset Police Divisional HQ, arguing the potential risks in evacuation of the sites if necessary due to a major incident caused by the proposed battery storage site. In conclusion, Chickerell Council believed that the Committee should listen to the concerns of residents and acknowledge the intentions and commitments of Neighbourhood Plans and in so doing, refuse the application.

Members questions and comments

- Cllr Taylor was concerned regarding electricity, water and toxic fumes. He sought clarification on the height of the batteries compared to sea level and the flood risk. He also queried the lack of security and monitoring of the proposed site.
- Clarification relating to the self-contained run off tank to be used in the event of a fire and the procedure for dealing with polluted water.

- Concerns regarding there only being one access point to the site which already served an existing development. Cllr Coombs was disappointed that this was not referenced within the officer report.
- Cllr Northam raised that there had been an error in the report at Section 7, paragraph 7.4 page 52 regarding the planning history.
- Clarity that the operators were different applicants.
- Questions relating to the impact of toxic fumes and fire safety and whether there had been any consideration to development that may be proposed in proximity to the site in the future.
- Cllr Crabb queried the proposed physical security, risk assessments and site management.
- Cllr Ridout asked the Case Officer to confirm how the tanks would be filled and wanted assurance that any contaminated water would be removed. She also thanked the officer for the inclusion of useful links in the officer report relating to the suppression system.
- Cllr Coombs noted that the applicant had overcome most issues, however, the main concern was site access and that the need for two access points was previously discussed. Cllr Monks agreed with these comments and was also concerned about safety.
- Cllr Ridout praised the applicant for the work that they done to implement significant change. She was happy to support the proposal.
- Members did not feel that the risks outweighed the benefits, and a safety management plan was needed.
- Cllr Northam felt that the committee did not need sight of the safety management and emergency recovery plans as this would be subject to planning conditions.
- Cllr Bolwell was not concerned regarding the gas suppression system or battery monitoring systems as they gave early warnings. He was also confident that the tank could take contaminated water runoff. However, like other members he was concerned regarding the Plume and site access. Despite this, he raised that site access was already considered in a previous application for a nearby site and from a planning perspective he did not feel as though access was a strong enough material consideration to warrant refusal. Therefore, on that basis, he would support the officer recommendation if a proposal was put forward.
- Cllr Coombs could not identify any information within the report which had assessed the adjacent development and that they would share a single access point from Coldharbour. She recommended deferral to ensure that work was to be done to assess the risk and consider an additional access point.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **defer** was recommended and proposed by Cllr Toni Coombs and seconded by Cllr Craig Monks.

Decision: Defer the application to seek further clarification or an amendment regarding an additional access point.

70. **Urgent items**

There were no urgent items.

71. **Exempt Business**

There was no exempt business.

Decision Sheet

Duration of meeting: 10.00 am - 12.33 pm

Chairman

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Strategic and Technical Planning Committee
Monday 27th January
Decision List

Application: P/VOC/2024/07289

Application Site: Land south-east of Sunrise Business Park and north of the A350 Blandford Bypass, Blandford Forum.

Proposal: Development of a waste management centre for the bulking and transfer of waste and recyclables, comprising a covered waste transfer station, with waste storage, sprinkler tank and pump house, and a split-level household recycling centre with vehicle unloading bays and partially covered central yard, a dedicated 're-use centre', WEEE storage building, office building, staff parking area, weighbridge and associated landscaping. Formation of new access from A350 (with variation of condition 3 of planning permission P/VOC/2022/06369 to allow archaeological and certain construction works to proceed concurrently).

Recommendation: Grant the application deleting pre-commencement Condition 3 and replacing it with a new condition to read: 'Archaeology: prior to commencement of development an archaeological plan shall be produced in accordance with the AC General Site Recording Manual V2 (2012) and submitted to and approved in writing by the Waste Planning Authority. All archaeological preparation and recording shall be implemented in accordance with the approved management plan.

The management plan shall include details on:

- Site preparation
- Archaeological recording
- Finds management
- Reporting & monitoring process

Reason:

To ensure the proper recording and preservation of features of archaeological merit and interest in accordance with Policy 19 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

Decision: **Grant Planning Permission with the following conditions :**

1. Time Limit

The development to which this permission relates must be begun not later than 5 April 2025, being the three year commencement period of the approved application number P/DCC/2021/01597_1.

Reason

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

2. Submitted Plans and Details

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

- Site Layout Plan Drawing No L230 Revision P15 received 12.10.22
- Site Construction Access Drawing No L239 received 12.05.21
- Proposed Plan – Whole Site Drawing No 2 000 Revision P3 received 13.10.22
- Site Entrance General Arrangement Drawing No 70029189-WSP-00-ZZ-DR-C-700-002 Revision P03 received 12.10.22
- Proposed Plan – Transfer Barn Drawing No 2 001 Revision P2 received 13.10.22
- Proposed Plan – HRC Level Drawing No 2 002 Revision P2 received 12.10.22
- Site Sections Drawing No L232 Revision P7 received 12.10.22
- Proposed Elevations Drawing No 3 000 Revision P3 received 12.10.22
- Proposed Sections Drawing No 3 050 Revision P2 received 12.10.22
- Tree Constraints Plan Drawing No L235 received 12.05.21
- Highways Layout Vehicle Tracking Drawing No 70029189-WSP-00-ZZ-DR-C-700-001 Revision P03 received 12.10.22
- Drainage Strategy Drawing No 70029189-WSP-00-ZZ-DR-C-500-001 Revision P03 received 12.10.22

Reason

For the avoidance of doubt and in the interest of proper planning and to ensure compliance with the planning permission in accordance with Policies 5, 12, 13 and 14 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

3. Archaeology

Prior to commencement of development an archaeological management plan shall be produced in accordance with the AC General Site Recording Manual V2 (2012). The plan shall be submitted to and approved in writing by the Waste Planning Authority. All archaeological preparation and recording shall be implemented in accordance with the approved management plan.

The management plan shall include details on:

- Site preparation
- Archaeological recording

- Finds management
- Reporting & monitoring process

Reason :

To ensure the proper recording and preservation of features of archaeological merit and interest in accordance with Policy 19 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

4. Construction Environmental Management Plan

Prior to commencement of the development a Construction Environment Management Plan (CEMP) to address the environmental impacts of the construction phase must be submitted to and approved in writing by the Waste Planning Authority. The plan shall include:

- Identification of ecologically sensitive sections of the development where operations will have to be limited to certain periods of the year, for example, avoiding disturbance of nesting birds.
- Phasing and programming for the construction phase of the development.
- Working hours.
- A protected species monitoring schedule (covering the period prior to and during construction), details of DEFRA licences to be obtained and any measures for capture, relocation or any other contingency measure to be taken in relation to protected species within the development site, nominated expert(s) to carry out monitoring, capture and relocation, a timetable for the preparation of suitable receptor sites.
- Pollution control, monitoring and contingency procedures including measures to address water, noise, vibration and air pollution risks and ground contamination.
- Identification of visually sensitive areas where advance planting is required and details of planting including species, planting plans, ground preparation and five years aftercare.
- Measures to protect trees to be retained in accordance with BS 5837.
- Measures to protect and maintain existing water courses and water features during construction.
- Notwithstanding the provisions of Part 4 Schedule 2 of the Town and Country General Permitted Development Order 2015, proposals for the location and extent of any contractors' compounds and haul roads, including materials stores.
- Measures to reduce greenhouse gas emissions during construction and minimise
- excavation waste.
- Persons responsible for any of the above measures.

The CEMP shall include safeguarding measures to deal with the following pollution risks:

- the use of plant and machinery

- wheel washing and vehicle wash-down and disposal of resultant dirty water
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The development shall be implemented in accordance with the approved Construction Environmental Management Plan.

Reason:

To prevent pollution of the water environment and to protect ecology and local amenity in accordance with Policies 13, 15, 16 and 18 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

5. Construction Traffic Management Plan

Prior to commencement of the development a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Waste Planning Authority. The CTMP shall include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved CTMP.

Reason:

To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

6. Construction – Stakeholder Communication

A stakeholder communications plan in relation to planned construction works, including the form, extent and timing of any communications, shall be prepared

and agreed in writing by the WPA and thereafter implemented in accordance with the agreed plan.

Reason:

In the interest of amenity, in accordance with Policy 13 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

7. Dust Management Plan

Prior to commencement of the development a Dust Management Plan shall be submitted to and approved by the Waste Planning Authority. The plan shall subsequently be implemented in accordance with the approved details.

Reason:

In the interests of amenity and to protect residents from nuisance and in the interests of protecting biodiversity, in accordance with Policies 13 and 18 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

8. Soil Handling

Prior to commencement of development a soil management plan shall be produced in accordance with the "Construction Code of Practice for the Sustainable Use of Soils on Construction sites" (Defra, 2009) and "BS3882:2007 Specification for topsoil and requirements for use" and submitted to and approved in writing by the Waste Planning Authority.

The soil management plan shall include:-

- position of topsoil and subsoil stockpiles
- details for the working, retention, storage, cultivation and amelioration of existing site topsoil and subsoil to suit all proposed landscape planting works
- a programme for the stripping of soils.

The approved soil management plan shall be complied with for the duration of the development.

Reason:

To ensure appropriate protection of soils in accordance with Policy 16 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

9. Landscaping

Prior to commencement of development full details of both hard and soft landscape proposals shall be submitted to, and approved in writing by, the Waste Planning Authority. These details shall include, as appropriate:

- Proposed finished levels or contours.
- Surfacing of vehicle and pedestrian access and circulation areas
- Hard surfacing materials.
- Any proposed functional services above and below ground, e.g. drainage, power, communication cables, pipelines, etc

Soft landscaping details shall include:-

- Planting plans (to include varied tree species selection and naturalistic spacing to the individual tree planting along the access road)
- Written specifications (including cultivation and other operations associated with grass establishment).
- Schedules of plants, noting species, planting sizes and proposed
- numbers/densities, where appropriate
- Implementation timetables.

And the hard and soft landscaping shall be carried out in accordance with the approved details within 12 months of the commencement of development.

Any trees that are removed die or become, in the opinion of the local authority, seriously damaged or defective within five years of planting shall be replaced with specimens of a similar size and species as originally required

Reason:

In the interests of the character of the area of this part of the AONB and in accordance with Policy 14 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

10. Boundary Treatment

Prior to the commencement of the development, details of all proposed means of enclosure, boundary walls and fences to the site, shall be submitted to, and approved in writing by, the Waste Planning Authority. The development shall thereafter be implemented in full accordance with the approved details.

Reason:

In the interests of the amenity of the area.

11. Surface Water Management

Prior to commencement of 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, shall be submitted to, and approved in writing by

the Waste Planning Authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is brought into use.

Reason:

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

12. Drainage

Prior to commencement of development details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These 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.

13. Materials

Prior to building works commencing samples/details of external materials / finishes (matte finishes) shall be submitted to, and approved in writing by, the Waste Planning Authority and the works shall be carried out using the approved materials.

Reason:

To ensure that the external appearance of the completed development is satisfactory and sympathetic to its locality in accordance with Policy 14 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

14. Kerbs, Signage and Road Marking

Prior to the development being brought into use, a scheme detailing the layout and design of kerbs, signs and road markings shall be submitted, and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented and maintained for the duration of the development.

Reason:

To minimise the impact of the site within the AONB and in the interests of the safe movements of vehicles within the site in accordance with Policies 12 and 14 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

15. Internal Estate Road Layout and Construction

Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number L230 Rev P15 must be constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason

To ensure the proper and appropriate development of the site and in accordance with Policy 12 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

16. Highway Works in Advance of Operation

Prior to the development being brought into operation the proposed left-in left-out junction onto the A350 shall be constructed in accordance with the details set out in Drawing No 70029189-WSP-00-ZZ-DR-C-700-002 Rev P03 contained within Appendix D of the Transport Assessment (or similar scheme to be agreed in writing with the Waste Planning Authority); and the existing highway filter drain on the north side of the A350 shall be reconstructed to restore it to at least its original capacity in accordance with details set out in Blandford Forum Waste Management Centre Flood Risk Assessment & Drainage Strategy (February 2021) and Drainage Strategy Drawing No 70029189- WSP-00-ZZ-DR-C-500-001 Rev P03.

Reason

These specified works are seen as a pre-requisite for allowing the development to be brought into operation, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal and to ensure the correct functioning of the drainage system, to prevent the increased risk of flooding and to improve and protect water quality.

17. Visibility Splays

Prior to the development being brought into operation the visibility splay areas as shown on the submitted plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason

To ensure that a vehicle can see or be seen when exiting the access.

18. Landscape and Ecological Management Plan

The development hereby approved shall be subject to a minimum landscape and ecological management period of 25 years and shall be in accordance with the details set out in the Landscape and Ecological Management Plan dated March 2021, Updated January 2022 and the accompanying plans: LEMP Operational Phase Management Plan Drawing No L260 Revision P1 and LEMP Landscape Soft Works Plan Drawing No L261 Revision P1.

Reason

To provide effective mitigation against impacts on the landscape character and visual amenity of the AONB and ecology and to provide habitat and landscape character enhancement in accordance with Policies 3, 14 and 18 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

19. Landscape and Ecological Management Plan Reviews

The approved Landscape and Ecological Management Plan shall be reviewed on a 5 yearly basis during the 25 year period. Each reviewed Landscape and Ecological Management Plan shall be submitted to and approved by the Waste Planning Authority and once approved the development shall be carried out in accordance with the approved reviewed Landscape and Ecological Management Plan.

Reason

To provide effective mitigation against impacts on the landscape character and visual amenity of the AONB and ecology and to provide habitat and landscape character enhancement in accordance with Policies 3, 14 and 18 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

20. Tree Protection

The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement dated 4 May 2020 setting out how the existing trees are to be protected and managed before, during and after development. All existing trees, shrubs and other natural features not scheduled for removal shall be fully safeguarded during the course of the site works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

Reason:

To ensure the continuity of amenity afforded by existing trees and in accordance with Policies 13 and 14 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan and the relevant sections of British Standards Institute (2012) Trees in Relation to Design, Demolition and Construction – Recommendations BS5837:2012.

21. Site Management Plan

Prior to the development being brought into use, a finalised Site Management Plan (SMP) shall be submitted to the Waste Planning Authority for approval. The SMP shall subsequently be implemented in accordance with the approved details and maintained for the duration of the development.

The SMP shall include:

- details of how excessive noise would be dealt with
- how noise levels would be maintained at their predicted level
- measures and procedures to control vermin; litter; dust and bio-aerosols
- measures and procedures to prevent mud and litter on the highway
- measures and procedures to minimise greenhouse gas emissions from the operation of the facility

Reason:

In the interests of amenity and to protect residents from nuisance, in accordance with Policies 13 and 15 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan and the National Planning Policy for Waste.

22. Odour Management Plan

Prior to the development being brought into use, an Odour Management Plan shall be submitted to the Waste Planning Authority for approval. The Odour Management Plan shall subsequently be implemented in accordance with the approved details and maintained for the duration of the development. The Odour Management Plan shall include:

- a specification for odour control based on best practice measures to date
- prescriptions for management of green waste, food waste and black bag waste
- contingency plan in the event of failure or damage to the transfer building's roller-shutter doors

Reason:

In the interests of amenity and to protect residents and sensitive receptors from odour nuisance, in accordance with Policy 13 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan and the National Planning Policy for Waste.

23. Lighting

No lighting shall be installed until details of the lighting scheme, which shall be in accordance with the External Lighting Assessment Report (dated 16/10/2020), have been submitted to, and agreed in writing by, the Waste Planning Authority. The lighting scheme shall include timings of use of all lights, shielding and angle to reduce glare and light intrusion on land in the AONB. It shall also incorporate the following:

- Selected lights shall be IDSR compliant.
- The maximum Correlated Colour Temperature (CCT) for the scheme shall be 3000K
- All luminaires shall be fitted with UV light filtration
- No increase to the mean illuminance of the External Lighting Assessment Report
- Full shielding to prevent light emission above the horizontal Motion sensors for external lighting to be set at 5 minutes 'on time' after activation, and for a maximum of 10 minutes only where justified for operational requirements.

Thereafter the lighting shall be installed, operated and maintained in accordance with the agreed details.

Reason

To protect the character of the AONB and visual amenities in accordance with Policies 13 and 14 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

24. Biodiversity

The Biodiversity Plan (BP) dated 19 February 2021 shall be implemented in full in accordance with the specified timetable(s) in the BP.

Reason

To minimise impacts on biodiversity and ensure compliance with wildlife legislation, the National Planning Policy Framework (biodiversity paragraphs) and the Natural England Protected Species Standing Advice.

25. Construction Hours

No construction works shall take place outside the hours of 07:00 to 18:30 Monday to Friday and 08:00 to 13:00 on Saturdays. No construction works shall take place on Sundays or bank holidays.

Reason

In the interest of amenity and to protect residents from nuisance, in accordance with Policy 13 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

26. Contingent Site Construction Access

The contingent site construction access on Higher Shaftesbury Road, as shown on Drawing No L239, shall only be used during the construction period if needed as an alternative to the primary site construction access. As soon as the primary site construction access becomes available for use, the contingent site construction access shall not be used by construction traffic thereafter.

Reason

In the interest of amenity, in accordance with Policy 13 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

27. Soil Importation

No soil shall be imported to the site unless it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material shall be submitted to and approved by the Waste Planning Authority prior to the soils being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by risk assessment) and source material information. The analysis shall then be carried out and a validation certificate or similar evidence should be submitted to and approved in writing by the Waste Planning Authority.

Reason:

To prevent pollution of the environment in accordance with Policy 16 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

28. Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Waste Planning Authority. An investigation, risk assessment and remediation scheme, if necessary, shall be submitted to and approved by the Waste Planning Authority and any required remediation carried out in accordance with the approved scheme. Following completion of measures identified in the approved

remediation scheme a verification report shall be submitted to and approved in writing by the Waste Planning Authority.

Reason:

To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework 2021.

29. Hours and Days of Operation

Except in cases of emergency to maintain safety (which shall be notified to the Waste Planning Authority as soon as practicable), no operations shall take place outside of the hours of 07:00 to 19:00 Monday to Sunday.

The site shall only be open to the public for the receipt of waste between the following periods and hours, excluding Christmas Day, Boxing Day and New Year's Day:

- 09:00 to 16:00 1 October to 31 March
- 09:00 to 18:00 1 April to 30 September.

Reason:

In the interests of local amenity and the character of this part of the Area of Outstanding Natural Beauty, in accordance with Policies 13 and 14 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

30. Noise

Wherever practicable, vehicles operating at the operational site shall be fitted with noise reducing reversing beepers for the duration of the development.

Reason

To ensure the minimum disturbance from operations, to minimise the adverse impact of noise generated by the operations on amenity and to maintain the tranquillity of the AONB in accordance with Policies 13 and 14 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan and with the requirements of the National Planning Policy for Waste.

31. Waste Transfer Building

The unloading, storage, sorting and reloading of waste materials (both incoming and outgoing) shall only take place inside the waste transfer building hereby approved (except for waste arisings contained within the external covered skip area).

Reason:

In order to protect the amenity of the area and the character of the landscape, in accordance with Policies 13 and 14 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

32. Transfer of Waste

Other than in exceptional circumstances, putrescible waste (excluding green garden waste) shall be removed from the waste transfer building on a daily basis, excluding Sundays.

Reason:

In the interest of amenity and to protect residents and sensitive receptors from odour nuisance, in accordance with Policy 13 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan and the National Planning Policy for Waste.

33. Waste Transfer Building Doors

All vehicular access doors to the transfer barn building shall only be opened when required to allow vehicles and mobile equipment into and out of the building or for maintenance or in an emergency. The vehicular access doors shall be fitted with a fast-acting closing system that ensures they are closed rapidly following the safe passage of a vehicle into and out of the building. Doors which allow the movement of personnel into and out of the transfer barn building shall be closed when not in use.

Reason:

In the interests of amenity and to protect residents and sensitive receptors from odour nuisance, in accordance with Policy 13 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan and the National Planning Policy for Waste.

Informative Notes:

1.Environmental Permit

This development will require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

In circumstances where an activity/operation meets certain criteria, an exemption from permitting may apply, more information on exempt activities can be found here: <https://www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits>
Waste Permit application is a separate process and Planning Permission does not automatically indicate that a waste permit will be granted.

The applicant is advised to contact enquiries@environment-agency.gov.uk to discuss the issues arising from the permit application process.

2. Duty of Care

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes.

The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

https://www.gov.uk/uploads/system/uploads/attachment_data/file/54111/waste-duty-care-code-practice-2016.pdf

If you need to register as a carrier of waste, please follow the instructions here:

<https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales>

If you require any local advice or guidance please contact your local Environment Agency office: enquiries@environment-agency.gov.uk

3. Grampian

The highway improvement(s) referred to in Condition 16 above must be carried out to the specification and satisfaction of the Highway Authority in consultation with the Planning Authority and it will be necessary to enter into an agreement, under Section 278 of the Highways Act 1980, with the Highway Authority, before any works commence on the site.

Application: P/FUL/2024/04447

Application Site: Land North of Eweleaze Spinney, Chickerell

Proposal: Installation of a Battery Energy Storage System of up to 49.9MW, associated infrastructure and enclosing compound, together with access and landscaping works

Recommendation: 2.1 Grant subject to the planning conditions at Section 17 of this report.

Decision: Defer the application to seek further clarification or an amendment regarding an additional access point.

Strategic and Technical Planning Committee

14 March 2025

Application to divert part of Footpath 11, Compton Abbas at Compton Abbas Airfield

For Decision

Cabinet Member and Portfolio:

Cllr S Bartlett, Planning and Emergency Planning

Local Councillor(s):

Cllr Jane Somper

Executive Director:

J Britton, Executive Director for Place Services

Report Author: Alastair Beaven

Job Title: Definitive Map Technical Officer

Tel: 01305 224058

Email: alastair.beaven@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary:

This report considers representations received to the Dorset Council (Part of Footpath 11, Compton Abbas) Public Path Diversion Order 2024, whether or not to submit it to the Secretary of State for confirmation and the stance that the Council should take if submitted.

Recommendation:

That:

- (a) The Order be submitted to the Secretary of State for determination:
and
- (b) The Council supports the confirmation of the Order.

Reason for Recommendation:

- (a) As there has been an objection to the Order, Dorset Council cannot confirm it itself but may submit it to the Secretary of State for an Inspector to be appointed to consider confirmation; and
- (b) The proposed diversion meets the legal criteria set out in the Highways Act 1980

Report

1 Background

- 1.1 Dorset Council received an application from Ashcombe Estates trading as Compton Abbas Airfield in the parish of Compton Abbas to divert Footpath 11 at Compton Abbas Airfield.
- 1.2 Following the pre-order consultation, a Report to the Interim Lead for Place (attached as Appendix 1) was approved under the Local Scheme of Nomination for Planning Services recommending that an order be made.
- 1.3 Details of the application are set out in 1.1-1.5 of the earlier Report to the Interim Lead for Place (attached as Appendix 1)
- 1.4 The Dorset Council (Part of Footpath 11, Compton Abbas) Public Path Diversion Order 2024 was sealed on 22 August 2024 (attached as Appendix 2), and published on 05 September 2024 with a deadline of 4 October 2024 for representations.
- 1.5 One objection has been received, from Compton Abbas Parish Council, on 17 September 2024, attached as Appendix 3.
- 1.6 As there has been an objection to the Order, Dorset Council cannot confirm it itself but may submit it to the Secretary of State for an Inspector to be appointed to consider confirmation.

2 Law

Highways Act 1980

Wildlife and Countryside Act 1981

Equality Act 2010

Human Rights Act 1998

Levelling Up and Regeneration (LUR) Act 2023

- 2.1 The relevant law is set out in paragraphs 2.1 to 2.12 of the earlier delegated report (see Appendix 1)
- 2.2 Subsequent to the original report Section 85(A1) CRoW Act as amended by Section 245 of the Levelling Up and Regeneration Act 2023 introduced a duty on the relevant authority to seek to further the purposes of designation (of National Landscapes). See separate section below on Landscape for discussion on this topic.

3 Consultation

- 3.1 The pre order consultation is discussed at paragraphs 3.1 – 3.4 of the Report to the Interim Lead for Place (attached as Appendix 1) and summarised at Appendix 2 of that report.
- 3.2 Representations in response to the Order
- 3.3 The Councillor for Beacon Ward, Cllr Jane Somper, was consulted on the Order and made no comment.
- 3.4 The Ramblers were consulted and had no objection.
- 3.5 The Cranborne Chase National Landscape were consulted, see separate section on Landscape.
- 3.6 Compton Abbas Parish Council submitted a document outlining their objections to the order. This is attached as Appendix 3.
- 3.7 The airfield operator submitted a rebuttal document to the Parish Council's objection. This is attached as Appendix 4.
- 3.8 It is noted that Compton Abbas Parish Council were consulted during the pre-application and pre-order consultation and raised no objection to the proposal.
- 3.9 The Parish Council introduce their objection with reference to the history of the footpath, background of the airfield and its setting within the National Landscape. Where relevant to the legal tests the points raised are dealt with below.

Legal Tests

- 3.10 The tests for making an order are set out and broken down in the following paragraphs. The objector's position is also set out along with officers' comments

- 3.11 Legal test: A footpath or bridleway (or part of one) can be diverted in the interests of the landowner, lessee or occupier or of the public, subject to certain criteria.

Officer comment: Officers consider the proposed diversion is in the interest of the landowner and airfield operator due to improved safety. The application was made on this point. However, officers also consider the safety extends to users of the airfield (including pilots) and the public using the footpath

- 3.12 Legal test: A public path diversion order shall not alter a point of termination of the path or way—

(a) if that point is not on a highway; or

(b) (where it is on a highway) otherwise than to a point which is on the same highway or a highway connected with it, and which is substantially as convenient to the public.

- 3.13 Objection: “The council references Map P262/24/1 issued in support of the application which shows that the point of termination B is not on a highway and therefore cannot be altered in compliance with section a) above. The map shows that the current footpath point of commencement A and termination point B are now either side of the runway of Compton Abbas Airfield.”

Officer comment: The termination points of Footpath 11 are unaffected by the order therefore this objection is not well founded.

- 3.14 Legal test: The Secretary of State shall not confirm a public path diversion order ... unless (s)he ... is satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of its diversion and that it is expedient to confirm the order having regard to the effect which—

the diversion would have on public enjoyment of the path or way as a whole;

the coming into operation of the order would have as respects other land served by the existing right of way; and

any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it

3.15 The objector sets out a number of reasons that the Diversion Order has a “substantial detriment to public enjoyment of the path as a whole” (only points relating to the legal tests included below):

3.16 Objection: “A significant aspect of public enjoyment in the case of an active airfield is safety.”

Officer comment: Officers agree with this as a general point.

3.17 Objection: “the present footpath allows pedestrians to cross the runway “with full unencumbered visibility to the east and west of any light aircraft whether on the ground or in the air”.

Officer comment: The proposed route also has good visibility to both east and west and is safer for users as it does not cross the runway.

3.18 Objection: The airfield has two runways namely 26 from west to east (sic: east to west) and 08 in the reverse direction. The proposed routing covers some 950metres all of which is airside of the airfield. From point B the proposed route has three legs.

3.19 The first leg is from B to D northeast direction covering alone some 500 metres wherein the users of the footpath would be within 45 metres of the runway.

Officer Comment: Although the proposed route is longer, officers believe the gentle slope, coupled with a slightly higher elevation with better views to the west, mean the route is at least as enjoyable as the current route.

3.20 Objection: “The current footpath distance between point A and B is 375 metres. For less than half that distance the footpath user is either on the runway or within 45 metres of it which “allows pedestrians to cross in the shortest time whilst controlling children and dogs with full visibility of person to plane.”

Officer comment: The current definitive footpath crosses the runway diagonally although signage installed by the airfield directs the public across the runway along the shortest perpendicular route. The proposed new footpath directs the public around the runway which officers believe is a safer route.

3.21 Objection: “The location of the current route permits users to ‘enjoy’ the view of Compton Down to the west.”

Officer comment: The new route of Footpath 11 is on a slightly higher elevation than the current route and officers consider that it provides better views to the west towards Compton Down.

- 3.22 Objection: “The second leg of the proposed routing takes pedestrians to the extreme east of the airfield to positions D and C. Regarding runway 08¹ (sic runway 26) the area close to C to D is used for power checks by aircraft departing runway 08 (sic) wherein pilots and pedestrians would be subject to maximum noise and turbulence known as ‘prop wash’.”

Officer comment: Technical guidance from the airfield operator states that prop wash, the air displaced by the propellor whilst in motion, will have dissipated over the distance between the aircraft and any pedestrians in the vicinity, which has been observed by the case officer. The engine test zone has also recently been moved even further away from the proposed route, See plan at Appendix 5. There is no specified ‘safety distance’ that the operator is required to adhere to.

- 3.23 Objection: “The proposed new footpath between points C to D covers an identified overshoot area for aircraft which is ‘de facto’ a danger to any pedestrian, child or dog in its path.”

Officer comment: Pedestrians have a good view of arriving/departing aircraft and, even if crossing the overshoot area when a plane is approaching/departing, this is still considered inherently safer than crossing the runway whilst aircraft are approaching/departing.

- 3.24 Objection: “To the east of the proposed footpath between points C - D is “a line of tall trees which would obscure the view of pedestrians to see approaching aircraft in flight...”

Officer comment: The trees form a small copse to the very north east of the airfield boundary. They do not appear on the Order plan. The case officer has walked this route on numerous occasions and considers that the trees do not obscure the view of approaching aircraft whilst walking the new footpath in either direction. The airfield advise that aircraft at the start of the approach are at approximately 300m dropping to 100m as they pass the boundary (where the trees are). The trees are estimated to be 25-30 m high and therefore officers believe they do not block the view of either pilots or pedestrians.

¹There is one runway at Compton Abbas airfield known as Runway 26 from east to west, and Runway 08 from west to east

- 3.25 Objection: “The proposed diversion does not accord with the plan (Dorset Council’s Rights of Way Improvement Plan 2011-2021) and is discriminatory to protected groups as defined in the Equalities Act 2010 as the new footpath is the longer, more difficult and more dangerous than the current footpath.”

Officer comment: The proposed route is longer, but not substantially so. The footpath is not on a “commuter” route and may be considered a leisure route. Therefore, it is considered that the longer distance affords the user better enjoyment of the views. The new footpath has a gentler gradient improving the accessibility. The airfield has also made a commitment to replace the stiles on the original route with kissing gates, again enhancing both accessibility and therefore the enjoyment of the National Landscape. The diversion accords with the Council’s ROWIP as described in paragraphs 2.13 – 2.15 of the earlier Report to Interim lead for Place at Appendix 1.

- 3.26 Objection: “Compton Abbas has a control room (sic: operations room) on the ground floor facing north. Should any of the scenarios indicated take place they would be at 600 metres distance from the room and could not therefore be seen...The current footpath, as it crosses the runway, is in view of the control room.”

Officer comment: The airfield has installed a CCTV system that adequately covers the ends of the runway. On the current route, pedestrians have to cross the path of taxiing aircraft, see plan at Appendix 5. The new route guides pedestrians to the side of the airfield and across the end of the runway, therefore at no point do pedestrians cross the path of taxiing aircraft. The proposed route is inherently safer in this regard.

- 3.27 Legal Test (repeated from above): ...and that it is expedient to confirm the order having regard to the effect which—

the coming into operation of the order would have as respects other land served by the existing right of way; and...

...any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.

Officer comment: The diversion is wholly within the land under the ownership of the applicant. Therefore, there is no impact on other land served by the existing right of way and the impacts on the applicant's land are considered above. As a result, officers consider that the test in s119(6) is met.

Other issues to be considered

National Landscape

- 3.28 Section 85(A1) CRoW Act as amended by Section 245 of the Levelling Up and Regeneration Act 2023 introduces a duty on the relevant authority to seek to further the purposes of designation (of National Landscapes).
- 3.29 The Cranborne Chase National Landscape team made no representation to the Order, however at the pre-order consultation stage they asked how the Order satisfies the duty above.
- 3.30 In discussion with the Cranborne Chase National Landscape team, this duty entails enhancements that the applicant is offering to comply with conserving and enhancing the National Landscape over and above the basic minimum that would be needed in an undesignated location.
- 3.31 In addressing this duty, the effect of the order will be;
- route the path at the higher end of the runway to provide users with an enhanced view of the landscape,
 - to confirm the width as changing from 'no recorded width' to 2.5m,
 - To remove the narrow barbed-wire portion of the path at A.

In addition, the applicant has agreed:

- to replace the stiles with kissing gates,
- 3.32 The officer believes these actions satisfy the duty to enhance the National Landscape by increasing the enjoyment and improving the accessibility of the route. However, if the Order is confirmed by PINS, the Order will not come into effect until the works have been certified.

4 Other points made by the Objector, not relevant to the legal tests.

- No incidents of pedestrian accidents have been reported in the 63 years of the airfield's operation
- Compton Down is a National Trust, National Landscape, SAC and SSSI heritage feature.
- The positioning of the current footpath is widely published for resident and visiting pilots in the definitive guide known as Pooleys
- The associated safety measures with the footpath are well publicised in Pooleys as a Hot Spot in accordance with CAP 168.
- The Dorset Council Legal team have confirmed that the runway was extended by 44 metres some 22 years ago and they are unable to locate any planning permission for the extension. Pooleys also advise that there are 100m unlicensed extensions at the ends of both runways.
- The conditions of the airfield's 2009 CAA Licence (P851 Refers) require "Any public right of way crossing or bordering the landing area shall be adequately sign-posted with notices warning the public of danger from aircraft. Likewise, it is a condition of the licence above that 'any change in the physical characteristic of the aerodrome shall not be made without prior approval of the CAA.'" It is the Parish Council's understanding from correspondence with the CAA that no such approval has either been sought or obtained.

5 Discussion

5.1 As objections have been received, the Council is unable to confirm the order itself and must either submit the Order to the Secretary of State for confirmation or abandon the order.

5.2 The options now available to the Council are:

To submit the Order to the Secretary of State and

To support the Order; or

To take a neutral stance; or

To abandon the Order.

- 5.3 Officers consider that the Council should support the Order. The diversion satisfies the relevant legal tests and in particular with regard to the interests of the landowner and the termination points of the path and that the new route is not substantially less convenient to the public and it does not negatively impact on public enjoyment of the route. Supporting the Order maintains the position of the Council to date; If the Council does not send the Order to the Secretary of State for confirmation the applicant may be entitled to a refund of his expenditure to date.

6 Financial Implications

- 6.1 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 the order is the subject of an objection. If the Council decides to abandon the Order, no further action is taken but the applicant may be entitled to a refund of his expenditure to date.

7 Natural Environment, Climate & Ecology Implications

- 7.1 The Order, if confirmed will not have any effect on carbon emissions and supports alternative methods of transport to the car.

8 Well-being and Health Implications

- 8.1 Use of public rights of way promotes a healthy balanced lifestyle.

9 Other Implications

n/a

10 Risk Assessment

- 10.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:
Current Risk: Low

Residual Risk: Low

11 Equalities Impact Assessment

- 11.1 The surface and gradient of the proposed new footpath are no less accessible than the current route. The applicant has made a commitment to change the stiles on an adjacent footpath outside the area of the application to more accessible 'kissing gates' to meet the requirements of British Standard BS5709:2018.

11 Conclusion

- 12.1 The objection remains outstanding; it is therefore necessary for an Inspector appointed by the Secretary of State to consider the confirmation of the Order or for Dorset Council to abandon the Order.
- 12.2 The recommendation is that
- (a) The Order be submitted to the Secretary of State for determination; and
 - (b) The Council supports the confirmation of the Order
- 12.3 This would enable an independently appointed Inspector to decide if the Order meets the legal tests for making and confirmation.

13 Appendices

- 1) Report to the Interim Lead for Place August 2024
- 2) Dorset Council (Part of Footpath 11, Compton Abbas) Public Path Diversion Order 2024 Copy of Order
- 3) Objection to the Order
- 4) Rebuttal to the objection from the applicant
- 5) Plan showing details of aircraft movement

14 Background Papers

The file of Executive Lead for Place (ref: RW/P262)

Report to the Interim Lead for Place

Application to divert part of Footpath 11, Compton Abbas at Compton Abbas Airfield

For Decision

Cabinet Member and Portfolio: Cllr Shane Bartlett, Planning and Emergency Planning

Local Councillor(s): Cllr Jane Somper

Executive Director: Jan Britton, Interim Lead for Place

Report Author: Alastair Beaven
Title: Definitive Map Technical Officer
Tel: 01305 224058
Email: alastair.beaven@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary:

This report considers an application to divert part of Footpath 11, Compton Abbas at Compton Abbas Airfield as shown on drawing P262/24/1 and assesses whether an Order should be made under the Highways Act 1980. The proposal is unopposed and deemed to meet the legal tests for order making and order confirmation under Section 119 of the Highways Act 1980. Therefore, the recommendation is that a Diversion Order be made.

Recommendation:

That:

- (a) The application to divert part of Footpath 11, Compton Abbas at Compton Abbas airfield be accepted and an order made;
- (b) The Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion; and
- (c) If the Order is unopposed, and is considered to meet the legal tests it be confirmed by the Council.

Reason for Recommendation:

- (a) The proposed diversions meet the legal criteria set out in the Highways Act 1980.
- (b) The inclusion of these provisions in a public path order means that there is no need for a separate legal event order to modify the definitive map and statement as a result of the diversion.
- (c) Accordingly, the absence of objections may be taken as acceptance that the proposed diversion is considered expedient and therefore Dorset Council can itself confirm the order.

Report

1 Background

- 1.1. Dorset Council has received an application from the owner of the land at Compton Abbas airfield, in the parish of Compton Abbas, to divert part of Footpath 11, as shown on Drawing P262/24/1 attached as Appendix 1.
- 1.2. The current definitive route of Footpath 11 runs from Point A generally north west to Point B. The current route from A-B is approximately 390 metres long.
- 1.3. The proposed new route of Footpath 11 runs from Point A north east along the northern side of the hedge to Point C next to the emergency access gate off Boundary Lane and then north north west to the east of the end of the runway to point D then generally west south west along the southern edge of the hedge to Point B. The proposed new route is approximately 930 metres long. This adds approximately 540 metres to the route of Footpath 11.
- 1.4. The width of the new route will be 2.5 metres from A-C-D-B.
- 1.5. This proposed diversion would be in the interests of the landowner to improve safety for the public and users (pilots and passengers) of the airfield.

2 Law

Highways Act 1980

- 2.1 Section 119 of the Highways Act 1980 allows a footpath, bridleway or restricted byway (or part of one) to be diverted in the interests of the landowner, lessee or occupier or of the public, subject to certain criteria.
- 2.2 A diversion cannot alter the termination point of the path if the new termination point: -

- (i) is not on a highway; or
- (ii) (where it is on a highway) is otherwise than on the same highway or a connected highway, which is substantially as convenient to the public.

2.3 A public path diversion order cannot be confirmed as an unopposed order unless the Council are satisfied that:

- (a) in the interests of the owner, lessee or occupier or of the public, the diversion to be affected by it is expedient;
- (b) the diversion would not result in a path that is substantially less convenient to the public;

and that it is expedient to confirm the order having regard to:

- (c) the effect the diversion would have on public enjoyment of the footpath as a whole;
- (d) the effect the diversion would have on other land served by the footpath; and
- (e) the effect on the land over which the diversion will run and any land held with it.

2.4 Any temporary circumstances preventing or diminishing the use of a path or way by the public shall be disregarded.

2.5 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.

2.6 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".

2.7 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

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

Equality Act 2010

- 2.9 Section 149 of the Equalities Act 2010 puts a duty on public authorities to have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Human Rights Act 1998 – Human rights implications

- 2.10 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.

- 2.11 When considering whether it is expedient to make the order a council must consider the rights of any affected landowner under Article 8 and Article 1 of the First Protocol and in particular have due regard to any argument put forward by an affected landowner that their rights would be infringed.
- 2.12 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

- 2.13 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.
- 2.14 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.
- 2.15 Five themes have been identified for improving access in Dorset of which the following are particularly relevant to the present case and should be considered in relation to this application:

Theme 1: The ROWIP's links with other strategies

- Theme 1.6 Improve accessibility of the network.

3 Consultation

- 3.1 The Council carried out a wide consultation in June 2024 based on drawing P262/24/1 (Appendix 1) and no objections were received.
- 3.2 Cllr Jane Somper, Dorset Council member for Beacon Ward was consulted on the application and made no comment.
- 3.3 The Ramblers, following a site visit during 2023 , support the diversion on the grounds of safety.
- 3.4 All consultation responses are summarised in Appendix 2

4 Discussion

Diversion

- 4.1 This proposed diversion would be in the interests of the landowner to improve safety for the public and users (pilots and passengers) of the airfield by positioning the Right of Way around the runway rather than directly across it. The current footpath starts at a public highway and travels in a north westerly direction across the runway to the opposite hedge. The proposed diversion travels broadly north east then north north west across the field to the east of the runway to the opposite hedge then broadly west south west to the existing route.
- 4.2 The current termination points of Footpath 11 are unchanged.
- 4.3 The diversion will increase the route of Footpath 11 by approximately 540m.

- 4.4 When considering the increase in length of the route, the increase is significant but, in the context of the safety, the diverted route is just as easy to walk as the current route but much safer as it does not cross a 'live' runway. Therefore, the diverted route is not substantially less convenient than the current route.
- 4.5 The width of the new route is 2.5m between points A-C-D-B with similar views to the west across Compton Down and to the east towards Ashmore Down, thereby allowing for an enjoyable and convenient walk.
- 4.6 The diversion would have no material effect on the land served by the current route or over which the new route runs.
- 4.7 The diversion will have no adverse effect on agriculture, forestry, flora, fauna and geological and physiographical features.
- 4.8 The proposal affects the applicant's land only and therefore no compensation would be payable under Section 28 of the Highways Act 1980.
- 4.9 The following works will be carried out before the order is confirmed:
- 2.5m Gap created in the hedge to the east of point A
 - Vegetation clearance and surface improvements to be carried out if needed along the new route.
- 4.10 Although not part of the diversion, the stiles south of point A and north of point B are to be replaced with kissing gates to British Standard BS5709:2018.
- 4.11 The works will be carried out and funded by the applicant.
- 4.12 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.
- 4.13 If the diversion order is unopposed the order should be confirmed as the tests for making and confirming a diversion order (as set out in paragraphs 2.1-2.3) have been met.

Rights of Way Improvement Plan

- 4.14 The diversion order fulfils the following objectives in the Rights of Way Improvement Plan to improve Dorset's network of Public Rights of Way, wider access and outdoor public space:

Theme 1.6 Improve accessibility of the network

5 Financial Implications

- 5.1 The applicant has agreed to pay in accordance with Dorset Council's usual scale of charges and 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 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 Use of public rights of way promotes a healthy balanced lifestyle.

8 Other Implications

- 8.1 n/a

9 Risk Assessment

- 9.1 HAVING CONSIDERED: 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 The furniture on the proposed route will meet the requirements of British Standard BS5709:2018. The surface and gradient of the proposed new footpath are no less accessible than the current route.

11 Conclusion

- 11.1 The application to divert part of Footpath 11, Compton Abbas at Compton Abbas Airfield meets the legal tests under Section 119 of the Highways Act 1980 and therefore should be accepted and a Diversion Order made.
- 11.2 The Order should include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion.
- 11.3 If there are no objections to a public path order, as the criteria for confirmation have been met, the order should be confirmed.

12 Appendices

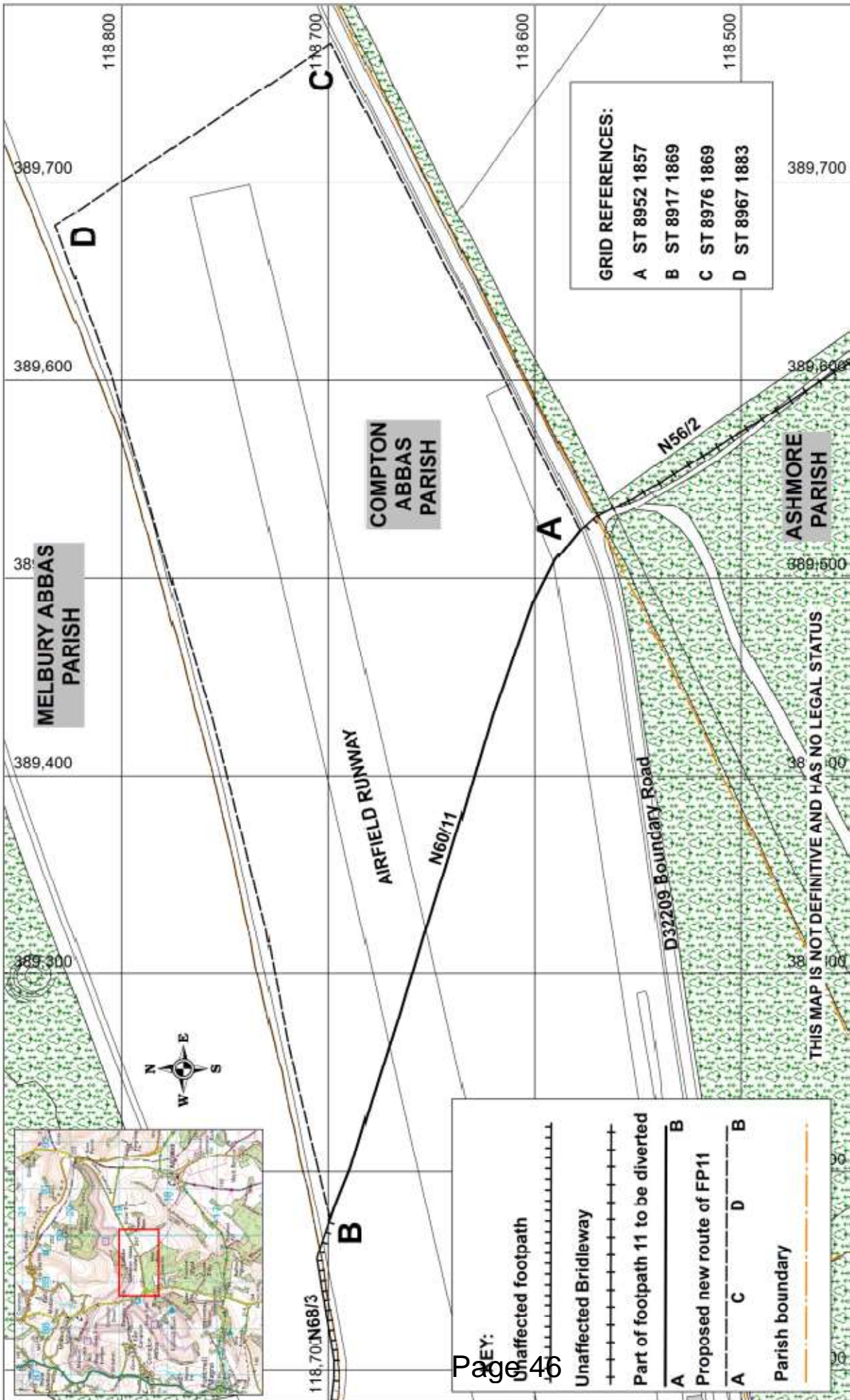
1 Drawing P262/24/1

2 Summary of consultation responses

13 Background Papers

The files of the Interim Lead for Place (ref.RW/P262).

August 2024



Ref: P262/24/1
 Date: 01/08/2024
 Scale: 1:2500 @ A4
 Drawn by: ASB
 Cent X: 389,436
 Cent Y: 118,651

HIGHWAYS ACT 1980
APPLICATION TO DIVERT FOOTPATH 11, COMPTON ABBAS AIRFIELD

Summary of consultation responses

Appendix 2 to the
August 2024 report

June 2024

Responses received:

Name	Comments
The Ramblers	Although the diverted route is almost 2½ times longer than the definitive route, we feel that in this situation, and in the interests of safety, we have no objection to the proposed diversion
Senior Archaeologist, Dorset Council	<p>With reference to your email/letter of 26 June, 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.</p> <p>Consequently, I do not feel that historic environment considerations constitute a constraint in the context of this proposal</p>
Historic England	<p>Thank you for consulting us on this application.</p> <p>As no heritage assets will be affected by the proposals we have no comment to add.</p>
Highways Improvements, Dorset Council	Looking at the plan and the proposed diversion. We the Highway Improvements team have no need to respond as it does not affect our proposed works
Openreach	<p>Thank you for your letter and drawing dated 26/06/2024</p> <p>P262 Rights of Way Consultation: Diversion of part of footpath 11, Compton Abbas</p> <p>Openreach records indicate that apparatus exists within the area of your proposed footpath alterations. However We are not affected in any works to change the footpath in this area</p> <p>Please note that a site survey has not been carried out at this stage, and this is just for Notification for your and Our Records recording process</p>

Recommendations accepted:

Signed:

.....V Penny.....

Date:.....6 August 2024.....

Vanessa Penny

Definitive Map Team Manager

Spatial Planning



**Dorset
Council**

Appendix 2

**Public Path Diversion
and
Definitive Map and Statement Modification Order**

**Highways Act 1980
Wildlife and Countryside Act 1981**

**Dorset Council (Part of Footpath 11, Compton Abbas)
Public Path Diversion Order 2024**

This Order is made by Dorset Council ("the authority") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this Order it is expedient that the line of the path should be diverted.

This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the County of Dorset definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.

Ashcombe Estates LLP t/a Compton Abbas Airfield has agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

Compton Abbas Parish Council has been consulted as required by section 120(2) of the 1980 Act.

BY THIS ORDER:

1. The public right of way over the land situate at Compton Abbas and shown by a bold continuous line on the map contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up after 7 days from the date of confirmation of this Order or on the date which Dorset Council certify that work has been carried out to bring the site of the new highway mentioned in Part 2 of the Schedule to this Order into a fit condition for use by the public, whichever is the later and thereupon the County of Dorset definitive map shall be modified by deleting from it that public right of way.
2. Notwithstanding this Order, where immediately before the date on which the path is diverted in pursuance of this Order, there is apparatus under, in, on, over, along or across the path belonging to the statutory undertakers for the purpose of carrying out their undertaking then such undertakers shall continue to have the same rights in respect of their apparatus as they would have had if this Order had never been made.
3. There shall at the end of 7 days from the date of confirmation of this Order be a public footpath over the land situate at Compton Abbas described in Part 2 of the Schedule to this Order and shown by a bold broken line on the map

contained in this Order and thereupon the County of Dorset definitive map shall be modified by adding that path to it.

4. The County of Dorset definitive statement shall be modified as described in Part 3 of the Schedule to this Order.

SCHEDULE

(The points specified relate to the map attached to the Order and their positions are identified by national grid references)

Part 1

Description of site of existing path

Footpath 11, Compton Abbas:

- A-B The whole width of the footpath from point A (ST 8952 1857) generally north west to point B (ST 8917 1869)
(No recorded width)

Part 2

Description of site of new path

Footpath 11, Compton Abbas:

- A-C-D-B From point A (ST 8952 1857) north east along the northern side of the southern field boundary to point C (ST 8976 1869) then north west across the field to the east of the end of the runway to point D (ST 8967 1883). Then generally south south west along the southern side of the northern field boundary to the unaffected part of footpath 11 at point B (ST 8917 1869).
Width: 2.5m

Part 3

Modification of Definitive Statement

Variation of particulars of path

Footpath 11, Compton Abbas:

Delete:

From: 895185 To: 891187

Parish boundary half mile east of Gore Clump north to parish boundary (this is a connecting link from Ashmore to Melbury Abbas).

Add:

From: ST895185 To: ST891187

Parish boundary half mile east of Gore Clump north to ST 8952 1857, then north east along the northern side of the southern field boundary to ST 8976 1869, north west across the field to the east of the end of the runway to point ST 8967 1883. Then generally south south west along the southern side of the northern field to ST 8917 1869 then north to the parish boundary (this is a connecting link from Ashmore to Melbury Abbas). Width: 2.5 metres between ST 8952 1857 and ST 8917 1869.

Dated this 22nd day of August 2024

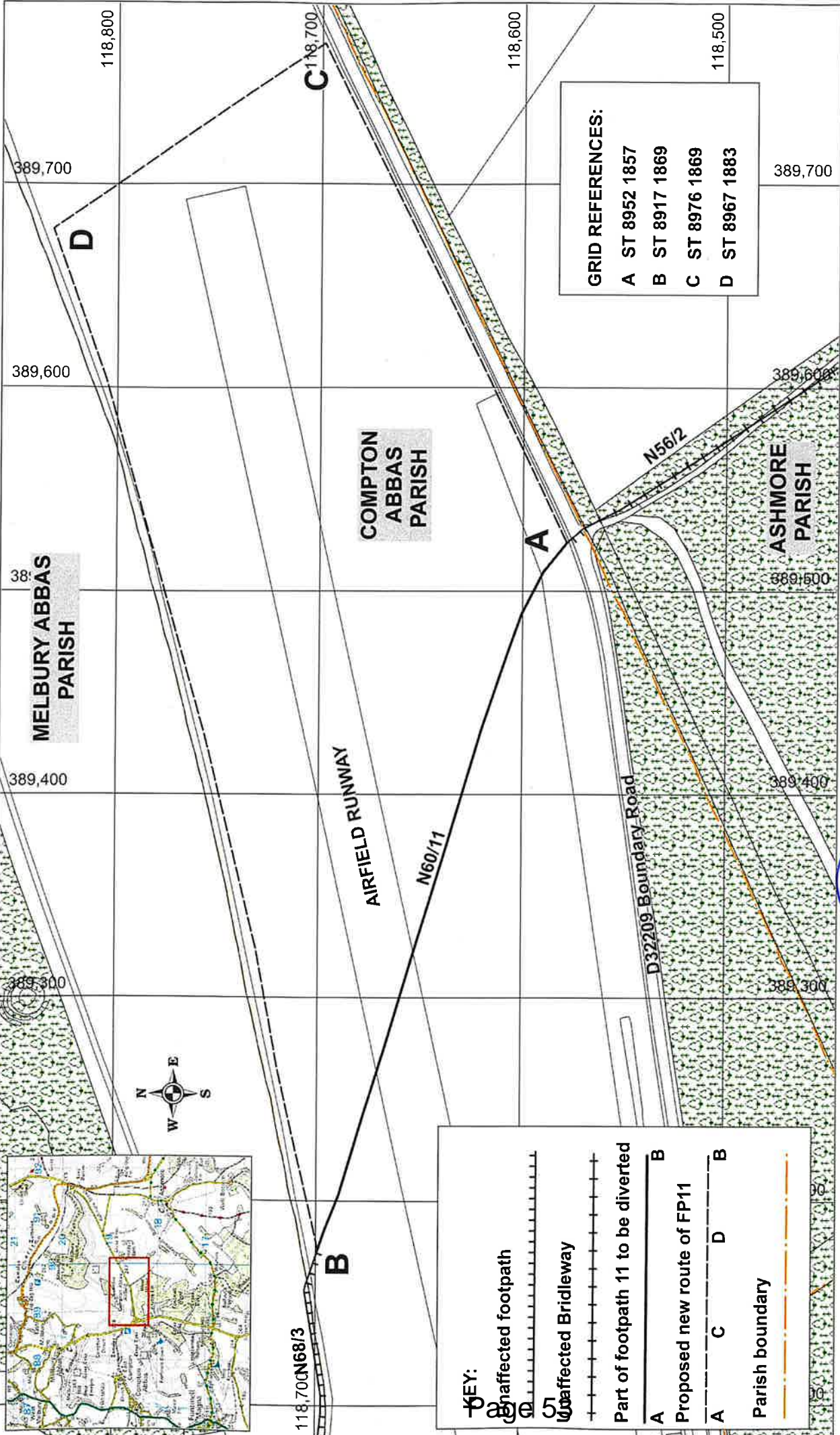
THE COMMON SEAL of
DORSET COUNCIL
was affixed in the presence of:-



Jonathan Hall

Authorised signatory

642/24



GRID REFERENCES:
 A ST 8952 1857
 B ST 8917 1869
 C ST 8976 1869
 D ST 8967 1883



KEY:

- Unaffected footpath
- Unaffected Bridleway
- Part of footpath 11 to be diverted
- Proposed new route of FP11
- Parish boundary

Ref: P262/24/2
Date: 07/08/2024
Scale: 1:2500 @ A4
Drawn by: ASB
Cent X: 389,436
Cent Y: 118,651

DORSET COUNCIL (PART OF FOOTPATH 11, COMPTON ABBAS)
PUBLIC PATH DIVERSION ORDER 2024

Sarwan Khan

Dorset Council
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Ref: RW/P262

The Notice of Making a Public Path Diversion

and

Definitive Map and Statement Modification Order

Highways Act 1980

Wildlife and Countryside Act 1981

Dorset Council (Part of Footpath 11, Compton Abbas)

Public Path Diversion Order 2024 made on 5th September 2024

In compliance with the published timescale for objections to be made Compton Abbas Parish Council (the council) wishes to present an **objection**. This objection is in accordance with Section 120(2) of the Highways Act wherein the council has been previously consulted and it then advised that it 'reserves the right to make an objection at a later date'. The following facts are detailed below.

1. The current footpath (Footpath 11) has been in existence since at least 1888 (Dorset Explorer Definitive Map National Library of Scotland OS 1888-1913 refers)
2. In 1962 an airfield was established the runway of which crosses the current footpath
3. During the ownership of the airfield period 1962 to 2023 no 'expedient need' to divert the footpath has been expressed
4. In 2023 the ownership of the airfield changed
5. In 2024 the airfield hosted an air display under a two-day CAP 403 licence from the CAA to a third party. The CAA identified a safety concern with the footpath as part of the application for the licence.
6. As part of that display an application was made and granted for a Temporary Closure of Footpath 11 on the grounds of 'health and safety' (TCPF N68/3 N60/11 refers)
7. The expedient claim of the owner, supported by Dorset Council, for this application is based partly upon the requirements of a CAA licence which is not, and cannot be held, by the airfield operator.
8. The airfield lies wholly within Cranborne Chase National Landscape (formerly AONB therefore Dorset Council has a statutory responsibility under the Countryside and Rights of Way Act 2000 to preserve and enhance the AONB.
9. The proposal in this application will cause a substantial loss of convenience and public enjoyment to a right of way which has been in existence for 136 years.

Basis of the Objection

Section 119(2) Highways Act 1980 states:

A public path diversion order shall not alter a point of termination of the path or way—

(a) if that point is not on a highway; or

(b)(where it is on a highway) otherwise than to a point which is on the same highway or a highway connected with it, and which is substantially as convenient to the public.

The council references Map P262/24/1 issued in support of the application which shows that the point of termination B is not on a highway and therefore cannot be altered in compliance with section a) above. The map shows that the current footpath point of commencement A and termination point B are now either side of the runway of Compton Abbas Airfield.

Section 119(6) Highways Act 1980 states:

The Secretary of State shall not confirm a public path diversion order ... unless (s)he ... is satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of its diversion and that it is expedient to confirm the order having regard to the effect which—

(a) the diversion would have on public enjoyment of the path or way as a whole;

(b) the coming into operation of the order would have as respects other land served by the existing right of way; and

(c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it

With respect to a) above it is the view of the council that the diversion proposed in the order would have:

1. a substantial detrimental impact on public enjoyment of the path as a whole, and that therefore the test set out at section 119 (6) (a) has not been met. We set out our reasoning below:
 - I. A significant aspect of public enjoyment in the case of an active airfield is safety as confirmed by the operators themselves with the TCPF N68/3 N60/11 cited above.
 - II. The positioning of the pathway at present facilitates pedestrians to cross the runway with full unencumbered visibility to the east and west of any approaching light aircraft whether in the air or on the ground.

- III. The distance between points A and B currently is some 375 metres. For less than half of that distance the footpath user is either on the runway or within 45 metres of it. This allows pedestrians to cross in the shortest time whilst controlling children and dogs with full visibility of person to plane. The original basis of this arrangement being that any pilot seeking to take evasive action would risk injury or death either on final approach landing or after 'point of no return' on take-off. The maximum time to make the total crossing of the airfield for a pedestrian is around 4 minutes.
 - IV. No incidents of pedestrian accidents have been reported in the 63 years of the airfield's operation.
 - V. The location of the current route permits users to 'enjoy' the view of Compton Down to the west of the airfield as advertised in the numerous walking guides identifying the local walks.
 - VI. Compton Down is a National Trust, National Landscape, SAC and SSSI heritage feature.
 - VII. The positioning of the current footpath is widely published for resident and visiting pilots in the definitive guide known as Pooleys.
 - VIII. The associated safety measures with the footpath are well publicised in Pooleys as a Hot Spot in accordance with CAP 168.
2. With respect to c) above it is the view of the council that the diversion proposed would have a significant detrimental effect on the safety of pedestrians, children and dogs using the proposed footpath.
- I. The airfield has two runways namely 26 from west to east and 08 in the reverse direction. The proposed routing covers some 950 metres all of which is airside of the airfield. From point B the proposed route has three legs.
 - II. The first leg is from B to D northeast direction covering alone some 500 metres wherein the users of the footbath would be within 45metres of the runway.
 - III. The second leg of the proposed routing takes pedestrians to the extreme east of the airfield to positions D and C. Regarding runway 08 the area close to C to D is used for power checks by aircraft departing runway 08 wherein pilots and pedestrians would be subject to maximum noise and turbulence known as 'prop wash'. These power checks take some while. Should a child or dog break free of adult supervision a pilot would not be able to hear any alarm and in any event be unable to quickly stop the propellor of their aircraft to preserve the safety of the child or dog. Regarding runway 26 the area C to D covers the identified overshoot area within the Pooleys guide. Any such aircraft needing to use the overshoot is 'de facto' a danger to any pedestrian, child or dog in its path.

- IV. The Dorset Council Legal Team have confirmed that the runway was extended by 44 metres some 22 years ago and that they are unable to locate any planning permission for the extension. Pooleys also advise that there are 100m unlicensed extensions at the end of both runways.
- V. To the east of the line CD is a line of tall trees which would obscure the view of pedestrians to see approaching aircraft in flight at that point and thereby jeopardise their safety.
- VI. Pooleys states domestic pets and animals are not allowed airside of the aerodrome, for safety reasons, but as users of the diverted public footpath there would be no such constraint nor indeed no constraint on children whether supervised or not. Dorset Council's latest Rights of Way Improvement Plan 2011-2021 cites Action Point 1.6 "Improve accessibility of the network (to include younger, older, disabled people and ethnic minorities)". The proposed diversion of a longer, more difficult and more dangerous routing than the current footpath does not accord with the plan and indeed is discriminatory to protected groups as defined in Equalities Act 2010.
- VII. Compton Abbas airfield has a control room on the ground floor facing north. Should any of the scenarios indicated in Ill) above take place they would be at 600 meters distance from the room and could not therefore be seen to radio taxiing aircraft and raise the alarm. The current footpath, as it crosses the runway, is in view of the control room.
- VIII. Since 2023 the airfield has regularly hosted historic warbird ex WW2 planes. These planes, such as a Spitfire, have no nose gear thus obscuring any forward visibility by the pilot. These aircraft are advertised widely and therefore parked to the extreme west of the airfield in front of the clubhouse for the benefit of the public. This means these aircraft are required to cover the maximum distance of taxiing west to east. This requires that pilots conduct a 'crabbing' action in the early part of the taxi away from other aircraft of the airfield close to the control room before progressing the current taxiway which will be clear of pedestrians. Under the proposed diversion pedestrians, children and dogs would all be following point C to A to complete the diversion putting them close to the taxiing aircraft and associated prop wash thereby exacerbating the danger to them. In addition, the proposed routing is behind hangers not shown on the map which precludes the footpath users a view of Melbury Beacon which is one of the main features of the footpath.
- IX. The conditions of the airfield's 2009 CAA Licence (P851 Refers) require "Any public right of way crossing or bordering the landing area shall be adequately sign-posted with notices warning the public of danger from aircraft. Likewise, it is a condition of the licence above that 'any change in the physical characteristic of the aerodrome shall not be made without prior approval of the CAA.'" It is the Council's understanding from correspondence with the CAA that no such approval has either been sought or obtained.

Conclusion

It is the view of the council that the need to ensure safety and enjoyment of pedestrians, children and companion animals is greater than the expedient wish of the landowner for such a diversion. The proposal is ill conceived, unnecessary, potentially unlawful and dangerous. The proposal in this application will **cause a substantial loss of convenience and public enjoyment** to a right of way.

The Notice of Making a Public Path Diversion
and
Definitive Map and Statement Modification Order
Highways Act 1980
Wildlife and Countryside Act 1981
Dorset Council (Part of Footpath 11, Compton Abbas)
Public Path Diversion Order 2024 made on 5th September 2024

Response by the GM of Compton Abbas Airfield to the **objection** made by Compton Abbas Parish Council (the council) to the sealed notice.

1. **Point 3.** During the ownership of the airfield period 1962 to 2023 no 'expedient need' to divert the footpath has been expressed.

Response. *H&S (and other) legislation has changed markedly over this period. The current operator cannot, and should not be, bound by previous owners' acts or omissions in respect of this. A risk assessment by new management identified a risk which can be mitigated to As Low as Reasonably Practicable by diverting the footpath.*

2. **Point 7.** The expedient claim of the owner, supported by Dorset Council, for this application is based partly upon the requirements of a CAA licence which is not, and cannot be held, by the airfield operator.

Response. *This is factually incorrect. This 'CAA licence' mentioned appears to refer to an Article 86 permission which is granted by the CAA to a nominated Flying Display Director (FDD). The FDD would hold that 'CAA Licence' on behalf of the operator. In any case, this is completely irrelevant with regards to this application to divert the footpath. This application is wholly independent of any air display considerations which would still attract an application for temporary closure of the footpath regardless of this change. This application is based on a review of airfield operating procedures which highlighted a need to conduct a Risk Assessment of a public right of way across an active runway. That Risk Assessment concluded that, in line with accepted Health and Safety legislation and practice, there is a requirement to reduce the risk of an incident involving aircraft, staff and the general public to As Low As Reasonably Practicable. Diverting the footpath around rather than across the runway is a viable solution to this.*

3. **Point 9.** The proposal in this application will cause a substantial loss of convenience and public enjoyment to a right of way which has been in existence for 136 years.

Response. *This is a subjective, rather than objective, statement that is not made out in the text of this objection.*

Basis of the Objection

Section 119(2) Highways Act 1980

Objection. The council references Map P262/24/1 issued in support of the application which shows that the point of termination B is not on a highway and therefore cannot be altered in compliance with section a) above. The map shows that the current footpath point of commencement A and termination point B are now either side of the runway of Compton Abbas Airfield.

Response. *Factually incorrect. Points A and B are on an established right of way (public footpath). Under common law a highway is an area of land which the public at large have the absolute right to use to 'Pass and Repass without let or hindrance'. Under section 328 of the Highways Act 1980, a highway is a way over which the public can freely pass and repass, at all seasons of the year, without let or hindrance. The footpath is therefore a highway in accordance with the law. As the proposed diversion's points of commencement and termination are on the current footpath (highway) the proposed alteration is legal and therefore Section 119(2) of the Highways Act 1980 does not apply.*

Section 119(6) Highways Act 1980 states:

The Secretary of State shall not confirm a public path diversion order ... unless

Objection 1 (I). A significant aspect of public enjoyment in the case of an active airfield is safety as confirmed by the operators themselves with the TCPF N68/3 N60/11 cited above.

Response. *As stated above, this application is wholly independent of the TCPF cited. A temporary closure of the footpath, whether current or diverted, would still be required under the same considerations of that TCPF for relevant events, such as displays. By default, being safer will improve the 'significant aspect' of public enjoyment.*

Objection 1 (II). The positioning of the pathway at present facilitates pedestrians to cross the runway with full unencumbered visibility to the east and west of any approaching light aircraft whether in the air or on the ground.

Response. *The proposed new route allows at least the same degree of visibility of approaching aircraft, as demonstrated in the attached photographs, and is safer for users.*

Objection 1 (III). The distance between points A and B currently is some 375 metres. For less than half of that distance the footpath user is either on the runway or within 45 metres of it. This allows pedestrians to cross in the shortest time whilst controlling children and dogs with full visibility of person to plane. The original basis of this arrangement being that any pilot seeking to take evasive action would risk injury or death either on final approach landing or after ‘point of no return’ on take-off. The maximum time to make the total crossing of the airfield for a pedestrian is around 4 minutes.

Response. *Elements of this are factually incorrect. The footpath from A to B is a diagonal across the runway. The shortest possible route is to cross perpendicular to the line of the runway and is circa half the distance (on the runway). How has the timing of 4 minutes to cross been calculated? I (a fit 6’2” male) take circa 4½ to complete the crossing at a normal walking pace. To declare 4 mins as a maximum time is misrepresentative of the full range of users, many of whom take additional time on the crossing to enjoy the views, because of restricted mobility or because they are slowed by the pace of accompanying children.*

The comment on the “original basis of this arrangement” does not make sense.

Objection 1 (IV). No incidents of pedestrian accidents have been reported in the 63 years of the airfield’s operation.

Response. *This application will further reduce the likelihood (potential) of an incident occurring so that we can say the same in another 63 years. This comment displays a lack of understanding of risk assessments.*

Objection 1 (V). The location of the current route permits users to ‘enjoy’ the view of Compton Down to the west of the airfield as advertised in the numerous walking guides identifying the local walks.

Response. *The raised elevation of the crossing leg C-D will provide a similar, if not slightly better view, as shown in the photographs.*

Objection 1 (VI). Compton Down is a National Trust, National Landscape, SAC and SSSI heritage feature.

Response. *This fact is irrelevant and appears to be included solely as an attempt to make a weak argument appear stronger.*

Objection 1 (VII). The positioning of the current footpath is widely published for resident and visiting pilots in the definitive guide known as Pooleys.

Response. *Pooleys is NOT a DEFINITIVE guide. This is made absolutely clear in the disclaimer on page xii of the current edition. Pooleys produces its guide based on information provided by the airfield operator and the CAA. If approved, the new routing will replace the current one in this guide.*

Objection 1 (VIII). The associated safety measures with the footpath are well publicised in Pooleys as a Hot Spot in accordance with CAP 168.

Response. *As above. Quoting a guide that is not a definitive document to support the objection demonstrates a lack of understanding of the technical issues involved in this application. The crossing point of the new footpath can also be highlighted as a hot spot, albeit a safer one.*

Objection 2 (I). The airfield has two runways namely 26 from west to east and 08 in the reverse direction. The proposed routing covers some 950 metres all of which is airside of the airfield. From point B the proposed route has three legs.

Response. *Factually incorrect. Runway 26 is from east to west, 08 from west to east. A minor point perhaps, but one underlining a basic lack of due diligence and understanding in preparing this objection.*

Objection 2 (II). The first leg is from B to D northeast direction covering alone some 500 metres wherein the users of the footpath [*sic*] would be within 45metres of the runway.

Response. *The closest point along B to D is just over 45m from the runway edge markers, and over 60m from the runway centerline. What is the significance of 45m?*

Objection 2 (III). The second leg of the proposed routing takes pedestrians to the extreme east of the airfield to positions D and C. Regarding runway 08 the area close to C to D is used for power checks by aircraft departing runway 08 wherein pilots and pedestrians would be subject to maximum noise and turbulence known as ‘prop wash’. These power checks take some while. Should a child or dog break free of adult supervision a pilot would not be able to hear any alarm and in any event be unable to quickly stop the propellor of their aircraft to preserve the safety of the child or dog. Regarding runway 26 the area C to D covers the identified overshoot area within the Pooleys guide. Any such aircraft needing to use the overshoot is ‘de facto’ a danger to any pedestrian, child or dog in its path.

Response. Elements of this are factually incorrect. Power checks for aircraft departing 08 are conducted at the West end of the runway, some 800m (1/2 mile) away. The closest any user of the proposed footpath would be to an aircraft conducting a power check at the 26 end is circa 47m, a distance over which propwash from most types of aircraft operating at the airfield will have dissipated. What is the council's definition of "some while"? The phase of a final check which involves increasing the engines power output (power check) varies between aircraft types but takes no longer than 30 seconds. A reasonable person is unlikely to concur that this can be described as "some while". Pilots check their surroundings prior to commencement of and during a power check. If people or animals are observed in proximity they will abort or not begin a power check. In addition, this area is observable from the ops room. This is an unusual argument when one considers that any aircraft on the runway is a danger to any pedestrian, child or dog in its path, and vice-versa. Under current conditions, this is far more likely than under the proposed re-routing. The LINE C-D is at the eastern end of the undershoot for 26 (overshoot for 08). Statistically an aircraft is significantly less likely to be on the under/overshoot than on the runway.

Objection 2 (IV). The Dorset Council Legal Team have confirmed that the runway was extended by 44 metres some 22 years ago and that they are unable to locate any planning permission for the extension. Pooleys also advise that there are 100m unlicensed extensions at the end of both runways.

Response. This element is irrelevant. However, in the interests of clarity it should be noted that the 1976 Section 52 agreement is clear that nothing in it prevents use of land at either end of the runway being used as an under/overshoot. With regards to the runway extension, section 115 of the Levelling Up and Regeneration Act 2023, amended section 171B of the Town and Country Planning Act 1990 as of 25th April 2024. Under this provision planning authorities have now been empowered to enforce against unauthorised operational developments, encompassing construction, engineering, mining activities, and other operations, as well as changes of use to dwellings, for a period of 10 years from the date of the breach. After this duration, the development gains immunity from enforcement actions, **regardless of its lack of planning permission or a certificate of lawfulness**. This objection confirms the runway extension occurred at least 22 years ago and has not been challenged. Ergo, if this is considered to be a breach no enforcement action is possible; the runway is therefore irrevocably established at 799m long.

Objection 2 (V). To the east of the line CD is a line of tall trees which would obscure the view of pedestrians to see approaching aircraft in flight at that point and thereby jeopardise their safety.

Response. *Factually incorrect as shown in the photos; the small number of trees in a clump are simply not tall enough, nor positioned in such a way as to, obscure the view of aircraft on the downwind leg, base leg and final approach to land.*

Objection 2 (VI). Pooleys states domestic pets and animals are not allowed airside of the aerodrome, for safety reasons, but as users of the diverted public footpath there would be no such constraint nor indeed no constraint on children whether supervised or not. Dorset Council's latest Rights of Way Improvement Plan 20112021 cites Action Point 1.6 "Improve accessibility of the network (to include younger, older, disabled people and ethnic minorities)". The proposed diversion of a longer, more difficult and more dangerous routing than the current footpath does not accord with the plan and indeed is discriminatory to protected groups as defined in Equalities Act 2010.

Response. *The prohibition on pets and animals being airside is also true of the current footpath. In either case, they must remain on the footpath which is/would be a known route. Any deviation from the marked footpath constitutes a criminal offence under the Civil Aviation Act 1982. Whilst the diversion is inarguably longer, the ground conditions are no different and it is a point of fact that it is a less dangerous route than the current footpath by virtue of it not crossing an active runway. The characteristics that are protected by the Equality Act 2010 are: age; disability; gender reassignment; marriage or civil partnership (in employment only); pregnancy and maternity; race; religion or belief; sex; sexual orientation. The council have not provided any explanation to substantiate their assertion that the proposed diversion discriminates against each of, or indeed any of, these groups?*

Objection 2 (VII). Compton Abbas airfield has a control room on the ground floor facing north. Should any of the scenarios indicated in Ill) above take place they would be at 600 meters distance from the room and could not therefore be seen to radio taxiing aircraft and raise the alarm. The current footpath, as it crosses the runway, is in view of the control room.

Response. *As a point of law, the facility described as a "control room" in this objection cannot be, or act as, a control room. It is an operations room which has a view of the active part of the aerodrome from west clockwise to east. The operations room is equipped with binoculars. As the new route is beyond the East end of the runway, and aircraft will cross at height, reduced view of this area is less critical than it would be for pedestrians on the runway proper. That said, operations staff will still be in a position to warn approaching and departing aircraft of the presence of pedestrians. Arguably, they pedestrians would be in better view as walkers on the crossing leg are silhouetted (skylined) by the background.*

Objection 2 (VIII). Since 2023 the airfield has regularly hosted historic warbird ex WW2 planes. These planes, such as a Spitfire, have no nose gear thus obscuring any forward visibility by the pilot. These aircraft are advertised widely and therefore parked to the extreme west of the airfield in front of the clubhouse for the benefit of the public. This means these aircraft are required to cover the maximum distance of taxiing west to east. This requires that pilots conduct a ‘crabbing’ action in the early part of the taxi away from other aircraft of the airfield close to the control room before progressing the current taxiway which will be clear of pedestrians. Under the proposed diversion pedestrians, children and dogs would all be following point C to A to complete the diversion putting them close to the taxiing aircraft and associated prop wash thereby exacerbating the danger to them. In addition, the proposed routing is behind hangars not shown on the map which precludes the footpath users a view of Melbury Beacon which is one of the main features of the footpath

Response. *Forward vision is not obscured as this suggests; the comment appears to be no more than a supposition (guess) made by a non-pilot. By moving the crossing point off the runway, any residual risk is significantly reduced as the aircraft will be (higher) in the sky at the point of crossing the footpath, rather than on the ground as per the current path. To be clear, in Law the ultimate responsibility of any deconfliction lies with both the Public Right Of Way user to look and listen for aircraft prior to crossing the taxiway/runway areas, and the Pilot In Command of an aircraft operating at the aerodrome. The parking area mentioned is circa 370m east of the extreme west of the airfield, which is circa 1450m in length west to east. The aircraft in this instance would taxi circa 600m. The point on aircraft moving along the taxiway demonstrates a lack of understanding. When the ‘Warbirds’ are operating there is a substantial ground crew component airside who are always focused on assuring safety of the aircraft on the ground, static and moving. The taxiway runs the full length of the runway, on the south side of it and is always in full view. Unlike the current arrangement, the proposal will ensure the complete length of the taxiway is always clear of pedestrians. Close is a relative term; at the closest point the footpath is over 45m away from taxiing aircraft. As shown in the photographs, the view is not obstructed by the hangars in any meaningful way that differs from the current route. It is also important to note that even if it were true this short stretch would not constitute a detrimental effect on public enjoyment of the path or way **as a whole**.*

Objection 2 (IX). The conditions of the airfield’s 2009 CAA Licence (P851 Refers) require “Any public right of way crossing or bordering the landing area shall be adequately sign-posted with notices warning the public of danger from aircraft. Likewise, it is a condition of the licence above that ‘any change in the physical characteristic of the aerodrome shall not be made without prior approval of the CAA.” It is the Council’s understanding from correspondence with the CAA that no such approval has either been sought or obtained.

Response. *Relevant signage is and will be in place and inspected by the relevant authority before the diverted footpath comes into use. Graham Stanley, Dorset CC received a written UK CAA Airfield Advisory Team planning response for a Public Path Diversion Order (Highways Act 1980: Sect 119) dated 4 Aug 2023. This document supports the application. It is also worth noting that although the 2009 CAA licence referred to was withdrawn and reissued on change of ownership the condition mentioned remains extant and has been complied with.*

Conclusion

It is the view of the council that the need to ensure safety and enjoyment of pedestrians, children and companion animals is greater than the expedient wish of the landowner for such a diversion. The proposal is ill conceived, unnecessary, potentially unlawful and dangerous. The proposal in this application will **cause a substantial loss of convenience and public enjoyment** to a right of way.

Response. *This is a highly subjective opinion which the objection has utterly failed to make out. Given the fact that this is the only objection raised after lengthy consultation with both statutory bodies and the general public, it can be safely assumed that this objection represents a gross distortion of the views of the vast majority of those who would be affected (users). It may also be wise to consider this objection in the context that Compton Abbas Parish Council have, over the preceding months, submitted or supported the submission of several complaints about activities at the airfield to the CAA and Dorset CC, none of which have been upheld to date.*

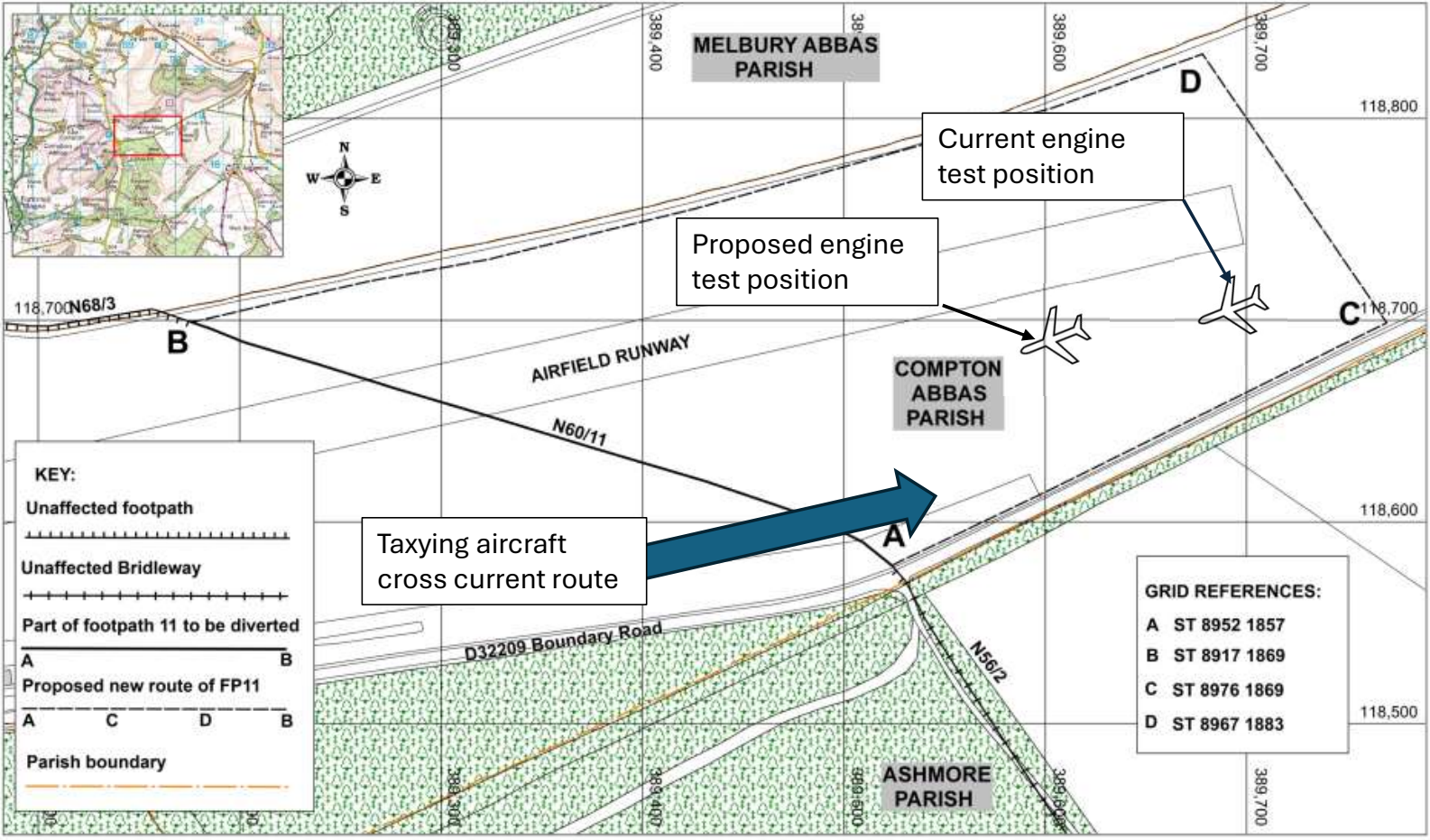
The proposed route is safer. It has the north/south leg (C-D) at a higher elevation providing a better vantage and the additional length along the east/west legs provides more time to enjoy the views. Together, these points can only enhance public enjoyment of this footpath.

Any reasonable person would struggle to describe any loss of convenience caused by this application being successful as substantial. The law requires risk to be reduced to As Low as Reasonably Practicable; I would strongly question any decision that places convenience over safety.

Photographs

	View from centre of current footpath as it crosses runway centreline	View from centre of proposed footpath as it crosses extended runway centreline
Looking West		
Looking East		

Current view from footpath entrance/exit point on south side (which will not change) showing minimal obstruction of view by Hangars at worst point.	
	



**DORSET COUNCIL (PART OF FOOTPATH 11, COMPTON ABBAS)
PUBLIC PATH DIVERSION ORDER 2024**

Ref:P262/24/2
Date: 07/08/2024
Scale: 1:2500 @ A4
Drawn by: ASB
Cent X: 389,436
Cent Y: 118,651

Dorset Council

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Limited (2017 onwards)

Agenda Item 6

Reference No: P/VOC/2024/05918
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 (with variation of Condition No. 2 of Planning Permission No. P/FUL/2021/01018 to extend the operational period of the site from 35 years to 40 years).
Address: North Dairy Farm Access To North Dairy Farm Pulham DT2 7EA
Recommendation: Grant planning permission
Case Officer: Rob McDonald
Ward Members: Cllr Murcer
CIL Liable: No

Fee Paid:	£293.00		
Publicity expiry date:	15 December 2024	Officer site visit date:	15 November 2024
Decision due date:	20 February 2025	Ext(s) of time:	19 March 2025
No. of Site Notices:	3		
SN displayed reasoning:	1 on Cannings Court Lane where it meets the driveway for North Dairy Farm; 1 at field gate where bridleway N46/21 meets Pleck Hill; 1 at stile where footpath N46/20 meets Pleck Hill.		
Where Scheme of Delegation consultation required under constitution:			
SoD Constitutional trigger:	Major application with Parish Council comments that are contrary to the officer recommendation.		
Chairman's agreement to delegated decision	Date agreed:	N/A	

1.0 The application is being considered by the Strategic and Technical Planning Committee as it is a major planning application with an officer recommendation that is contrary to comments made by one of the host Parish Councils.

2.0 Summary of recommendation

Grant planning permission, subject to the same conditions (aside from amended conditions 2 and 5) as the original, extant permission (see section 17 for full wording and reasons):

- Time Limit
- Temporary permission (extended by 5 years by virtue of this application)
- 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
- Hedgerow minimum height
- CCTV pole height
- Construction hours
- Decommissioning details

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 40 years (5 additional years relative to the extant permission). It would make a valuable contribution towards the Council’s Climate and Ecological Emergency Strategy, but for a longer period of time. It would also generate a significant number of jobs.
- The public benefits would continue to outweigh the prolonged adverse impact upon the local landscape character areas and the setting of the Dorset National Landscape (DNL).
- The proposed development would still 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 40 year duration of the development.
- The scheme would continue to 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 still 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 DNL	Extent of scheme still cannot be fully mitigated and successfully assimilated into the receiving landscape. Harm would prolong for an additional 5 years.
Flood risks	Development would satisfy the Sequential Test and Exception Test and otherwise be made safe for its lifetime without increasing flood risk elsewhere.
Habitats and biodiversity	Measurable gain in biodiversity and a compensation payment towards mitigating GCN.
Residential amenity	Acceptable impact in compliance with Policy 25.
Highway safety	No Highway Authority objections, subject to conditions.

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 original 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 Flood Risk Assessment (FRA) submitted with the original application confirmed 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 the DNL designation itself, but the Blackmore Vale and North Dorset Escarpment character areas of the DNL 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 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 s73 application seeks to vary condition 2 of the original permission to extend the limited period of the permission to 40 years, effectively permitting an additional 5 years of solar farm operation and export of electricity to the grid.
- 6.2 There are no other proposed amendments to the scheme.

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

P/FUL/2021/01018 - Decision: GRA - Decision Date: 15/01/2024
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

P/STA/2023/05556 - Decision: RES - Decision Date: 22/11/2023
Consent under section 37 of the Electricity Act 1989 to replace a single H-Pole with a new steel tower which will be situated 20m east from the original footprint of the existing pole.

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 National Landscape
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

9.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Section 66 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty 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.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (formerly known as Areas of Outstanding Natural Beauty).

10.0 Consultations

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

Consultees

Cllr Murcer (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)

No comments received at the time of determination.

Mappowder Parish Council (co-host Parish Council)

Objection:

- No useful purpose in extending term for a further 5 years owing to life span of solar panels;
- Better to return the farmland back to food production sooner rather than later;
- No financial compensation to parish;
- Flood risks.

Hazelbury Bryan Parish Council (neighbouring Parish Council)

No comments received at the time of determination.

Buckland Newton Parish Council (neighbouring Parish Council)

No comments received at time of determination.

Natural England

No comments received at the time of determination.

Environment Agency

No comments received at the time of determination.

National Planning Casework Unit

No comments received at the time of determination.

Active Travel England

'No comment.'

Representations received

1 third party objection has been received. The material planning considerations raised are summarised below:

- Significant harm identified to setting would continue for 5 additional years;

- LEMP should be updated to reflect extended monitoring period;
- Effect of residential amenity;
- Flood risks and drainage.

11.0 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 (2024) (as amended in February 2025)

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

Emerging draft Dorset Council Local Plan:

Paragraph 49 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

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.

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 the original 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(s) 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 the same Environmental Statement again, along with an addendum to assess the effects of the extended time period proposed for the scheme.

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.

No impact on persons with protected characteristics has been identified.

14.0 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 (still legally binding should the s73 application be permitted and implemented), to mitigate for Great Crested Newts.

15.0 Climate implications

15.1 NPPF paragraph 168 sets out that when determining planning application for all forms of renewable and low carbon energy development and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and give significant weight to the benefits associated with renewable and low carbon energy generation and proposal’s contribution to a net zero future.

15.2 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.

- 15.3 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 for 40 years 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.

16.0 Planning Assessment

- 16.1 The main issues that relate to the proposed variation of condition 2 are considered to be:

- Principle of 5 additional years of the development;
- Environmental effects (visual and landscape impacts, flood risks, ecology) from 5 additional years of the development being in situ;
- Highways and transport impact;
- Residential amenity (shadow flicker, noise and vibration).

Principle of 5 additional years of the development

- 16.2 There is clear planning policy support for new renewable energy development in principle.
- 16.3 Both chapter 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.
- 16.4 The relevant paragraph within the NPPF (formerly 163 and now 168) has been amended in the newly published 2024 (as amended in February 2025) version to explicitly instruct LPAs to “give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future” in decision-making. This national policy position is materially different from the policy at the time of the original permission. Whilst substantial weight was given to the public benefits of the renewable energy scheme by officers at the time of the original permission, the NPPF now makes clear the favourable weighting that should be given to the principle of the development.
- 16.5 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.

16.6 Thus, the principle of the development would remain acceptable, providing it would continue to meet the specific criteria set out in Policy 22 of the Local Plan. This policy 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:

- 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.

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.

Potential benefits that will be assessed in relation to any proposal 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 renewable and low carbon energy, for example, through a district heating network.”

- 16.7 For the scheme to remain in compliance with Policy 22 it should be satisfied that any adverse impacts and issues that may arise from the proposal for an additional 5 years have been satisfactorily assessed and can be mitigated for those additional 5 years. The benefits of an additional 5 years of the solar farm should outweigh any adverse impacts that may remain.
- 16.8 In terms of benefits, the variation of the condition would enable the following to prevail for a further 5 years:
- Generation of at least 47MW (and potentially up to 49.99MW) of renewable energy per annum (enough to power approximately 11,745 homes and displace 10,402 tonnes of CO2 each year);
 - Supporting the county to be carbon neutral by 2050 and contribute towards the required 4GW of solar energy generation;
 - Supporting the Government's commitment to achieving 'net zero' carbon emissions by 2050;
 - Permanent employment for maintenance of the site.
- 16.9 Planning permission has already been granted for the solar farm to be operational for a period of 35 years. The permitted variation of condition 2 would extend this operational period to 40 years. Such extensions have been permitted at other sites within the Dorset Council area, including (but not necessarily limited to):
1. Rampisham Down Solar Farm - WD/D/19/001433
 2. Crossways Solar Farm - WD/D/19/001292
 3. Wyld Meadow Farm - WD/D/19/001207
 4. Southern Counties Shooting Ground - WD/D/18/001652
 5. Manor Farm, Verwood - P/VOC/2023/05401
 6. Land off Holt Road - P/VOC/2022/05875
 7. Solar Farm, Rivers Corner - P/VOC/2021/01613
 8. Solar Farm, Piddlehinton - P/VOC/2021/00518
 9. Land at Stokeford Farm - 6/2020/0158
 10. West Parley - 3/20/0392/CONDR
 11. Solar Farm at Homeland Farm - 3/17/1751/CONDR
 12. Solar Farm at Canada Farm - 2/2019/1389/VARIA
 13. Solar Farm, Stalbridge Park - 2/2019/0676/VARIA
- 16.10 The above list does not include solar farms that have been initially proposed to be in operation for 40 years. Thus, in reality there would be more that have been permitted for this period of time. This indicates that a 40 year operational period is not uncommon and generally accepted as the standard lifetime of this type of renewable energy development.
- 16.11 The development would continue to 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.

Environmental effects from 5 additional years of the development being in situ

Flood risks

- 16.12 The land area extent of the proposed development is unaffected by the proposed variation of the condition and, thus, by virtue of the access track crossing a functional floodplain, the site still does not avoid flood risk areas.
- 16.13 Officers considered that both the Sequential Test and Exception Test needed to be applied at the time of the original permission. Both were deemed to have been satisfied, as per the requirements of the NPPF to enable the grant of planning permission. That position remains the case.
- 16.14 Paragraph 173 of the NPPF sets additional criteria to be met with regards to flood risk mitigation which, subject to other conditions being re-imposed, remain met.
- 16.15 Officers are satisfied that the proposed development would be made safe for its extended lifetime without increasing flood risk elsewhere, in compliance with chapter 14 of the NPPF and Policy 3 of the Local Plan.

Visual and landscape impact

- 16.16 The visual and landscape impact of the scheme was considered in detail as part of the assessment for the extant permission and on the basis of the development being in situ for 35 years.
- 16.17 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 DNL. To minimise visual and landscape impacts in accordance with Policy 22 of the Local Plan the scheme was amended during the course of the original application to reduce the number of arrays, as well as introduce new tree and hedgerow planting and bolster existing vegetation to screen views.
- 16.18 Condition 5 of the original permission requires, in part, soft landscaping details to be submitted to the LPA prior to commencement of the development. At the time of this s73 application an application to discharge condition 5 has yet to be submitted. Condition 5 of the original permission stipulates that for any existing or proposed trees, shrubs and hedgerows that die or become seriously diseased/damaged within a period of 34 years following commencement of the development details of the replacement vegetation need to be submitted for approval to the LPA. This effectively ensures that vegetation screening can be controlled and ensure the site is appropriately screened to minimise visual and landscape impacts for the lifetime of the development. With the lifetime condition sought to be varied by the current application, it follows that the timeframe element within condition 5 would also need to be varied to reflect the additional 5 years of operation sought and ensure the reasoning for the condition is upheld.

- 16.19 The Government's amendments to the Levelling Up and Regeneration Act (LURA) introduced a notable change for National Landscapes, which became effective from 26 December 2023. This relates to the responsibilities of any 'relevant authority', as referred to by the Countryside and Rights of Way (CRoW) Act 2000, when discharging a function that affects a National Landscape. Relevant authorities include all levels of government, from town/parish councils up through district/county/unitary councils, to government agencies and ministers. Statutory undertakers are also understood to be covered by this duty.
- 16.20 The amendment, which only affects England, is as follows:
- Countryside and Rights of Way (CRoW) Act 2000, Section 85 - General duty of public bodies: "Any relevant authority exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." (subsequent to this amendment being drafted, AONBs have been rebranded to be known as National Landscapes, although their legal AONB status continues).
- 16.21 The 'seek to further' duty replaces the previous requirement for relevant authorities to 'have regard' to the purpose of a National Landscape, this being the wording with the CRoW Act Section 85 when it was enacted in 2000. Whereas the former 'duty of regard' could be interpreted as simply allowing a public body to acknowledge that a National Landscape would be affected, the new duty is expected to encourage explanation of how any positive or negative effects have been appraised and apportioned weight when reaching a decision.
- 16.22 The Committee Report for the original planning permission explained and appraised the effects of the proposed development. In terms of the DNL, the report explains that adverse effects on view from within the DNL designation are greatest from the south east of the site, with some occasional visibility from scarp slopes and hilltops more to towards the south. Each wider viewpoint identified along the Escarpment are from distances typically ranging from 4 - 4.5km and would not be regarded as 'significant' in their own right. Other wider views from elevated positions within the DNL, including along the Wessex Ridgeway, are often filtered by intervening vegetation. To minimise wider landscape impacts from within the DNL, the extent of arrays was reduced and existing and proposed soft landscaping measures were improved to screen views during the course of the application. But it was also considered that the mitigation would not fully negate the impacts from within the DNL. The series of 'moderate' effects on the outlook from the DNL places the effects at the cusp of being 'significant' and does not demonstrate clear compliance with the recommendations of NPPF paragraph 189.
- 16.23 It is still accepted that, even with amendments, the scale of development is such that it would be challenging to fully mitigate the visual and landscape impact. The presence of solar arrays would change the character of the

landscape and result in a degree of harm to local landscape character areas and the setting of the DNL for an additional 5 years. As set out in the Committee Report in the original permission, the weight given to this harm once again needs to be weighed against the public benefits of the solar farm operating for an additional 5 years.

Ecology

- 16.24 Owing to the size of the site both a Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP) were approved and conditioned as part of the original permission.
- 16.25 The mitigation and enhancement measures within the LEMP remain relevant, with the 5 year extension to the operation lifetime of the solar farm not affecting the implementation and management of the various measures as the timeframe for enforcing the LEMP is open and spans “the full operational lifetime of the solar farm” (which would include any proposed extensions to the lifetime), rather than a closed, stipulated period of years. In fact, the additional 5 years would result in some beneficial biodiversity measures persisting for a further 5 years. The LEMP is also required to be reviewed after 5 years of operation, whereby the objectives and prescriptions will be examined against monitoring visited and updated to reflect the additional 5 year operation period (if required), before being agreed with the Council’s NET.
- 16.26 A Conservation Payment of £28,029 was secured by s106 legal agreement during the course of the original permission to mitigate for great crested newts. Clause 2.5 of the agreement indicates that the deed shall apply to any s73 permission in the same way as it applied to the original permission. 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.
- 16.27 The LEMP needs to be re-imposed as a condition to ensure any potential adverse impacts upon local wildlife and habitats can be satisfactorily mitigated and enhanced, bringing, on balance, an overall ecological benefit to the scheme.
- 16.28 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 remain acceptable and can be secured by condition again.
- 16.29 Thus, subject to the re-imposition of conditions to secure the LEMP and CEMP and the retention of the legal agreement to secure the compensation payment to mitigate GCNs, the development would still comply with Policies 4 and 22 of the Local Plan.

Highway and transport impacts

- 16.30 The proposed variation of the condition would only affect highway and transport impacts insofar as traffic associated with the decommissioning phase, which would potentially occur 5 years later than the original permission. A traffic management plan for the decommission phase is required by condition 18 on the original permission and can be re-imposed. The CEMP condition would also be re-imposed.
- 16.31 In terms of glint and glare the original permission deemed that no significant impacts on road users would be predicted and this remains the case.
- 16.32 No objections were raised by the Highway Authority at the time of the original permission and there are no material changes in this respect to reach a different conclusion for the variation of condition 2.

Residential amenity

- 16.33 The impact upon neighbouring residential amenity resulting from the solar farm potentially remaining in situ for a further 5 years needs considering. In this respect and as highlighted in the assessment of the original permission, noise, along with glint and glare, would be the most material matters.
- 16.34 The Noise Impact Assessment submitted with original application indicates 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'. 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 therefore follows that the continuation of this acceptable effect for a further 5 years would not result in significant adverse effects upon neighbouring residential amenity.
- 16.35 A Glint and Glare Assessment was also provided with the original application and this considers the possible impact upon nearby dwellings. 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 with the original application. The continuation of the solar farm for potentially a further 5 years would mean that the vegetated screening to mitigate any effects of glint and glare could be allowed to grow and continue mitigating for those 5 years.
- 16.36 As such, it remains that the impact upon neighbouring amenity would not be significantly harmful and the proposal would continue to comply with policies 22 and 25 of the Local Plan.

Other matters

Heritage impact

16.37 The assessment with the original permission accepted that, having had regard to s66 and s72 of the Planning and Listed Building Act 1990, no harm would be caused to any heritage assets. The continuation of the solar farm for a further 5 years would not affect that conclusion. As such, impacts would remain acceptable and in accordance with Policy 5 of the Local Plan and section 16 of the NPPF.

Impact on protected trees

16.38 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. No trees are proposed to be removed.

16.39 The site includes two veteran English Oaks. The installation of the solar farm has the potential to reduce soil compaction from farming activities and improve their health, especially with mulching. The approved LEMP includes plans for soil improvement and management for the veteran trees, which will be improved through soil decompaction and mulching for an additional 5 years if the proposed variation of the condition is granted, providing additional benefits in this respect.

16.40 An Arboricultural Method Statement was secured condition with the original permission and can be re-imposed to ensure the impact on protected trees remains acceptable and in accordance with Policies 3, 4 and 15 of the Local Plan.

Impact on agricultural land

16.41 The detailed assessment of the Agricultural Land Classification across the site was submitted with the original application. This found that the quality of agricultural land is limited to subgrade 3b and grade 4 (poor). At least half of the site is classed as poor agricultural land. 'Best and most versatile' agricultural land is graded 1 to subgrade 3a.

16.42 The variation of the condition would not affect the fact the scheme would be reversible; only that it would be in situ on the land for an additional 5 years. The land could still 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 a planning condition that can be re-imposed. Low-intensity sheep grazing amongst the solar arrays would be able to continue for a further 5 years.

16.43 It remains satisfied that the proposed development 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.

Planning balance

- 16.44 Both Policy 22 of the Local Plan and paragraph 168 of the NPPF state that LPAs should not require applicants to demonstrate the overall need for renewable or low carbon energy. This could be reasonably interpreted to include proposals to extend the lifetime of an already permitted solar farm. The same limb of NPPF paragraph 168 also states that LPAs should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
- 16.45 Numerous planning permissions within the Dorset Council area have been granted to extend the operational period of a solar farm to 40 years. The proposal is therefore not unusual or irrational in this respect.
- 16.46 For the scheme to remain compliant with Policy 22 of the Local Plan it should be satisfied that any adverse impacts and issues that may arise from retaining the solar farm for an additional 5 years can be mitigated for this additional period of time. The benefits should outweigh any adverse impacts that may remain.
- 1.47 It is still accepted that the scale of development is such that it would be challenging to fully mitigate the visual and landscape impact. The presence of solar arrays would change the character of the landscape and result in a degree of harm to local landscape character areas and the setting of the DNL for an additional 5 years.
- 16.48 However, the lifetime extension of the already permitted solar farm by a further 5 years would provide 5 additional years of very substantial public benefits in terms of national and local renewable energy generation and meeting key Local Plan objectives.
- 16.49 With the re-imposition of conditions, flood risks and ecology would not be adversely affected and could all continue to be suitably mitigated for the additional 5 years the solar farm would be in situ. Highway and transport impacts, the impact upon residential neighbouring amenity and other material planning considerations set out in this report can also be satisfied for a further 5 years and avoid adverse effects.
- 16.50 On balance, officers consider that the public benefits arising from an additional 5 years of renewable energy production would outweigh any residual visual and landscape harm that may prevail for a further 5 years.

17.0 Conclusion

- 17.1 Officers consider that any residual adverse visual impact and landscape harm arising from the development being in situ for 40 years (rather than 35 years) would be outweighed by the very substantial public benefits highlighted above.

- 17.2 The proposed development remains compliant with Policies 1, 2, 3, 4, 5, 20, 22, 24 and 25 of the North Dorset Local Plan Part 1 (2016) and chapter 14 of the NPPF as a material consideration.
- 17.3 The variation of condition 2 is therefore recommended for approval, subject to a minor amendment to condition 5 and verbatim re-imposition of all other conditions (none of which have been sought to be discharged at the time of writing this report).

18.0 Recommendation

Grant planning permission, subject to the same conditions (aside from amended conditions 2 and 5) as the original permission:

1. The development hereby permitted shall be begun before 14/01/2027.

Reason: This condition is required by Section 73 of the Town and Country Planning Act 1990 because the time limit for implementation cannot be changed.

2. This permission is limited to a period of 40 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 40 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 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 39 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, 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 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.

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 decommissioning of the whole development hereby approved is required 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, decommissioning and restoration 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.

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 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

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Agenda Item 7

Application Number:	P/VOC/2024/03497		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Anaerobic Digester Plant Rainbarrow Farm Monkeys Jump Roundabout To Junction Below Alington Place Martinstown DT2 9JF		
Proposal:	<p>The construction and operation of an Anaerobic Digestion and Combined Heat and Power Plant and associated infrastructure including a new site access road at Rainbarrow Farm (Site 1) and underground service corridor linking to a new Combined Heat and Power engine in existing Engine House (Site 2) at Poundbury to supply Poundbury with renewable heat and power (Revised proposal) (Changes to proposed plant, infrastructure and land profiling at Rainbarrow Farm (Site 1)) and as varied by 1/D/2011/2113 to include repositioning of flare and CHP container, and additional equipment to include standby generator, switch gear, back up boiler, DMT Membrane Plant, transformer, 3 tank propane store and new gas pipeline to site boundary, to enable the majority of the gas produced by the Anaerobic Digester Plant to be fed directly into the public gas supply network at the pressure regulating station adjacent Monkeys Jump Roundabout (with variation of conditions 27 and 28 of planning permission 1/D/2011/2113 to regularise the existing development by increasing traffic levels, annual feedstock throughput and feedstocks).</p>		
Applicant name:	Ixora Energy Limited		
Case Officer:	Eleanor Godesar		
Ward Member(s):	Cllr Tarr		
Publicity expiry date:	25 October 2024	Officer site visit date:	4 October 2024
Decision due date:	22 November 2024	Ext(s) of time:	18 March 2025
No of Site Notices:	4		
SN displayed reasoning:	Adjoining neighbours and public rights of way		

1.0 Reason application is going to committee

Objections from Winterborne Farringdon Parish Council Group (Winterborne Monkton PC), Dorchester Town Council and Stinsford Parish Council

2.0 Summary of recommendation:

Grant planning permission subject to conditions set out in section 18.

3.0 Reason for the recommendation:

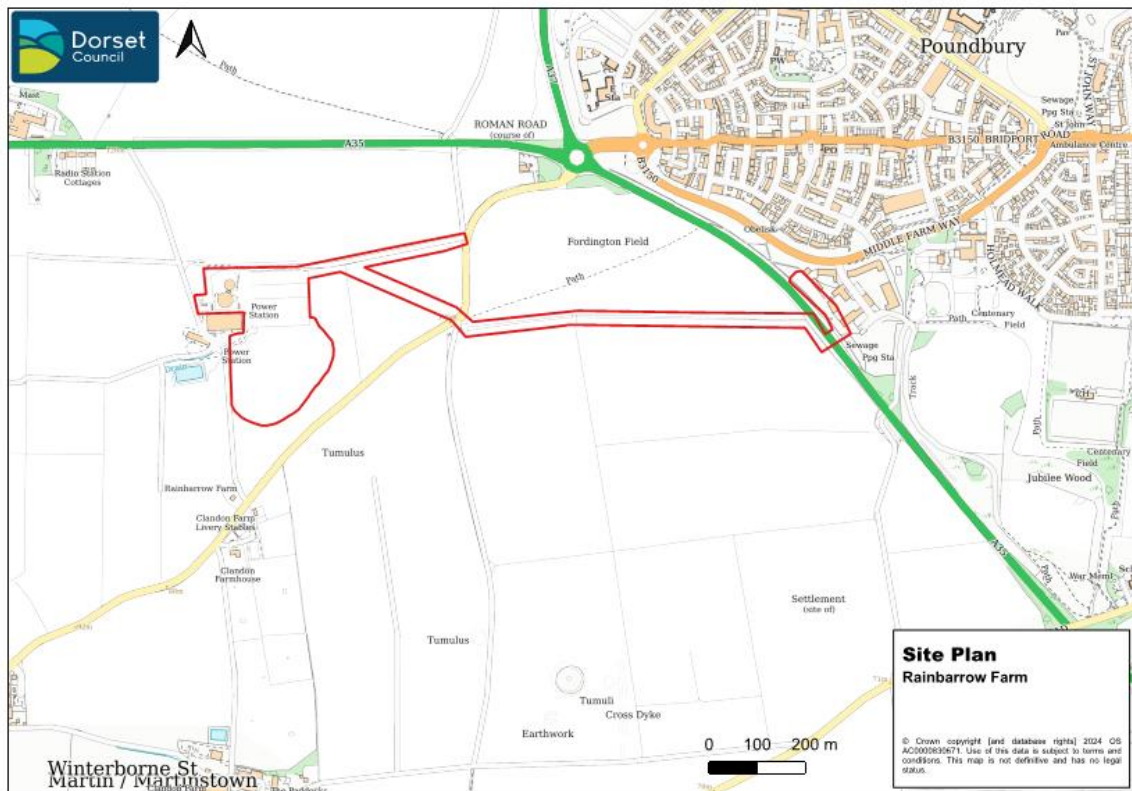
As set out in Sections 16 and 17 of this report, in summary:

- The proposal raises no highway safety concerns due to trips to and from the farm being concentrated on a short length of highway between the plant entrance and Monkeys Jump Roundabout and then dispersing along the A35 and A37.
- A change to agricultural crop only feedstock has generated a very high, but significantly variable, numbers of vehicle trips which mainly take place during short periods in the spring and autumn. Amending Condition 27 to secure a Delivery and Servicing Plan would be an acceptable compromise for managing a more consistent feedstock supply during the harvest and address amenity concerns associated with the site.
- Agricultural crop feedstocks have been accepted as feedstock at the site since the 2017 permission and have provided the Anaerobic Digester Plant with more stable operating conditions and reduced spikes in gas production. Amending the previous Condition 28 to rye, oats and maize crops would be acceptable to the applicant.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of an Anaerobic Digester Plant was accepted in the 2012 and 2017 permissions.
Highway impacts, safety, access and parking	Trips to and from the site would be concentrated on a short length of highway between the plant entrance and Monkeys Jump Roundabout and then disperse along the A35 and A37. Filling of the storage clamps during harvest periods would generate high numbers of vehicle trips, which could be regulated through agreement of a Delivery and Servicing Plan, limiting the annual feedstock imports to 60,000 tonnes and ensuring any new supply sites are within 10 miles of Rainbarrow Farm.
Feedstock	Amending the list of feedstock types to maize, rye and oat crops would be acceptable.
Impact on the living conditions of the occupants and neighbouring properties	There is sufficient separation distance from the closest dwellings to the site to preserve neighbouring amenity from direct impacts, such as noise and disturbance. Securing a Delivery and Servicing Plan through a condition that demonstrates a scheme for managing feedstock supply during the harvest period. Changes to the annual tonnage of feedstock and feedstock types are considered acceptable with no material harm to residential amenity occurring.
Scale, design, impact on character and appearance / landscape and heritage assets	No amendments are proposed to existing buildings, equipment or site features, such as the feedstock storage clamps or screening bunds.

5.0 Description of Site



- 5.1 Rainbarrow Farm is located in open countryside, 2.5 km west of Dorchester and 1.2 km west of Poundbury between the A35 (to the north) and Bridport Road / Mallards Green which links Poundbury to Martinstown (to the south). The site is accessed via a track close to the McDonalds restaurant near Monkeys Jump roundabout.
- 5.2 Rainbarrow Farm is a commercial farmstead which also accommodates an Anaerobic Digester (AD) Plant. It occupies land on the northern and eastern sides of a large building (previously agricultural in nature). The AD plant is positioned on the northern side of the building and the four existing feedstock clamps located to the east. There is a landscaped bund around the south and east of the most southern clamp and a slurry lagoon (now used to store digestate) to the south of the buildings. Both of these features are located outside the red line of the application site and were constructed after the original permissions in 2010 and 2012.
- 5.3 The application site is on a gentle incline which slopes down to the south. It is within the Dorset National Landscape (formerly Area of Outstanding Natural Beauty) and the Dorchester Downs landscape character area with Maiden Castle approximately 1.3 km to the south. There are no public footpaths that cross close to the main part of the site, however, there is a bridleway (S57/7) which traverses from the access gate of the site on Bridport Road to the A35 to the north.

6.0 Description of Development

- 6.1 The Anaerobic Digester (AD) Plant first received planning permission in 2010 to provide heat and electricity for dwellings in Poundbury. The operation was subsequently amended to enable the majority of the gas produced by the plant to be fed directly into the public gas supply network. The change in equipment and output significantly increased the efficiency of the plant for the same amount of feedstock, specified at the time as approximately 35,000 tonnes annually. The 2012 permission was accompanied by another permission which approved the underground gas pipeline extending from the AD plant eastwards to the network pipeline.
- 6.2 The AD plant was commissioned in 2012. In 2017, a fourth feedstock storage clamp was approved. The original feedstock mix, which included dairy cow slurry, chicken manure, maize silage, grass silage and potato pulp, was reduced to the agricultural crops only ie. maize and grass silage. The additional clamp increased the storage capacity of the plant and additional deliveries to the site were accepted. The rye grass would be delivered in June and July and the maize delivered in September and October. Whilst not specified within the planning conditions, the 2017 permission resulted in annual feedstock of approximately 42,500 tonnes.
- 6.3 The list of feedstock types associated with Condition 28 of 1/D/2011/2113 were not amended in 2017 since no additional feedstock types were proposed. However, the operator has subsequently introduced oats as a feedstock. In addition, the AD plant has been operating above the accepted 2017 capacity for a number of years. As such, the current variation of condition application has been submitted to amend the following conditions:

27. Traffic Levels

The Rainbarrow Farm (site 1) traffic levels shall only operate in accordance with the scheme submitted and outlined in paragraphs 1.30 to 1.35 inclusive of the Planning Support Statement (Revised Proposal) revised December 2010 submitted as part of the planning application reference number 1/D/10/001372. Any change to these details shall be agreed in writing with the Waste Planning Authority. A log of vehicular movements shall be kept and these formal records shall be made available for inspection by the Waste Planning Authority at seven days' notice.

This application seeks to amend this condition to allow the site to process 60,000 tonnes of feedstock per annum.

28. Feedstocks

The feedstocks shall be limited to those outlined in paragraph 1.28 and sourced from the locations identified in paragraphs 1.29 and 1.32 of the Planning Support Statement (Revised Proposal) revised December 2010 submitted as part of the planning application reference number 1/D/10/001372.

This application seeks to amend the feedstock mixes to specify rye and oats, in addition to maize.

7.0 Relevant Planning History

1/D/10/001372 Decision: Grant Decision Date: 21/04/2011

The construction and operation of an Anaerobic Digestion and Combined Heat and Power Plant and associated infrastructure including a new site access road at Rainbarrow Farm (Site 1) and underground service corridor linking to a new Combined Heat and Power engine in existing Engine House (Site 2) at Poundbury to supply Poundbury with renewable heat and power. (Revised proposal) (Changes to proposed plant, infrastructure and land profiling at Rainbarrow Farm (Site 1)).

1/D/2011/2113 Decision: Grant Decision Date: 08/03/2012

Section 73 application to vary condition 2 (Development in Accordance with Technical Details) and 3 (Development in Accordance with Approved Plans) of 1/D/10/001372 to allow amendments to approved layout at Rainbarrow Farm (site 1) to include repositioning of flare and CHP container, and additional equipment to include standby generator, switch gear, back up boiler, DMT Membrane Plant, transformer, 3 tank propane store and new gas pipeline to site boundary, to enable the majority of the gas produced by the Anaerobic Digester Plant to be fed directly into the public gas supply network at the pressure regulating station adjacent Monkey Jump Roundabout

1/D/11/002061_1 Decision: Grant Decision Date: 23/02/2012

Planning application for underground section of gas pipeline to link gas feed from application site to pressure regulating station adjacent Monkey Jump Roundabout

WD/D/17/001149 Decision: Grant Decision Date: 01/08/2017

Construction of additional feedstock storage clamp & re-profiling of adjoining ground with spoil; Change of use of part of agricultural building to house equipment associated with capture of CO₂ gas and bagging of solid digestate

(both by products of AD plant) and their sale off site, with two gas storage tanks positioned adjacent southern side of building.

P/PDE/2024/00195 Decision: Planning Permission Required

Decision Date: 19/08/2024

Cover on slurry lagoon

8.0 List of Constraints

Nutrient Catchment Areas - Distance: 0

Dorchester West Parish Ward - Distance: 0

Dorchester North Parish Ward - Distance: 269.54

Winterborne St. Martin CP - Distance: 0

Bradford Peverell CP - Distance: 181.74

Dorchester CP - Distance: 0

Winterborne Monkton CP - Distance: 0

Charminster St. Mary's Ward - Distance: 181.74

Dorchester Poundbury Ward - Distance: 0

Dorchester West Ward - Distance: 552.94

Winterborne & Broadmayne Ward - Distance: 0

Right of Way: Footpath S57/6; - Distance: 0

Right of Way: Bridleway S57/5; - Distance: 0

Right of Way: Bridleway S57/7; - Distance: 0

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar); - Distance: 0

Groundwater – Susceptibility to flooding; NULL; NULL; - Distance: 0

EA - Groundwater Warning Zones 2019; 111FWGSWV1; Groundwater flooding for the South Winterbourne Valley; - Distance: 0

National Landscapes (formerly AONB): Dorset; - Distance: 0

Existing ecological network (Polygons) - Distance: 0

Higher Potential ecological network - Distance: 0

Wildlife Present: S41 - bird ; - Distance: 8.88

Agricultural grade: Grade 2; - Distance: 0

Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

Scheduled Monument: Settlement remains N of Maiden Castle (List Entry: 1002409.0); - Distance: 344.05

Poole Harbour Catchment Area - Distance: 0

Groundwater Source Protection Zone - Distance: 0

Risk of Surface Water Flooding Extent 1 in 30 - Distance: 0

Risk of Surface Water Flooding Extent 1 in 100 - Distance: 0

Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0
Surface water flooding - 1 in 100 year event plus 20% allowance - Distance: 0

Surface water flooding - 1 in 100 year event plus 40% allowance - Distance: 0

Radon: Class: Class 3: 3 - 5% - Distance: 0

Radon: Class: Class 1: Less than 1% - Distance: 0

Contaminated Land - Distance: 0

National Landscapes (Areas of Outstanding Natural Beauty): (statutory protection Local Planning Authorities to seek 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)

9.0 Consultation Responses

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

9.1 National Highways

No objection (received 01/08/2024)

- Whilst in the vicinity of the A31 (officer correction – should be A35) that forms part of the Strategic Road Network, National Highways offer no objection.

9.2 Dorset National Landscapes (formerly AONB) Team

No response received

9.3 Landscape Officer

No objection (received 29/07/2024)

9.4 Highways Authority

Comments (received 23/07/2024)

- The varied conditions would not have an adverse effect on the C53 (Bridport Road) or the A37.
- Since the Transport Assessment involves the A35, it would be advisable to consult National Highways.

9.5 Rights of Way Officer

Comments (received 26/02/2025)

- No rights of way affected by this application

9.6 Environmental Services – Protection

No comment (received 23/07/2024)

9.7 Winterborne and Broadmayne Ward Member

No response received

9.8 Dorchester Poundbury Ward Member

No objection (received 14/07/2024)

- Based on the analysis of vehicular movement

9.9 Winterborne St Martin Parish Council

Comments (received 01/08/2024)

- The silage heap has been identified as exceeding the 5m height limit.
- Concerns over traffic and parked cars in and around the area
- The trees planted do not comply with planning permission
- Collections and deliveries already at double what they should be
- Concerns of the locality of materials used

9.10 Winterborne Farrington Parish Council Group (Winterborne Monkton PC)

Objection (received 21/08/2024)

- Traffic congestion with accompanying noise and pollution that is already created on local roads by the identified overuse of the site.
- The overuse should not simply be regularised without evaluation of the effect of the many feedstock deliveries and digestate collections the site receives. A large number of them are made by slow and sometimes poorly loaded vehicles.
- Request that current actual traffic movements across all the relevant feedstocks are compared with what is proposed.

9.11 Dorchester Town Council

Objection (received 06/08/2024)

- Additional generated traffic equates to almost 50% increase, as stated in the transport statement.
- Queries whether the majority of feedstock is still generated within 10 miles of Rainbarrow Farm.
- There should be full transparency of where journeys are generated from due to the increase in observed vehicle movements and to enable thorough consideration / assessment of their impact.

9.12 Stinsford Parish Council

Objection (received 31/07/2024)

- The company is already in breach of its consent. This does not mean it should be rewarded by agreeing to an unauthorised deviation.
- Proposed change in road transportation is significant.
- Not clear if the present application will continue to be set within a 10 mile radius.
- The transport statement provides no analysis of transport impacts besides those on the A35 and A37 in the immediate proximity of the site. Impacts on all other roads used in a 10 mile radius are ignored, including the roads used by the tractors in Stinsford Parish.
- The Transport Statement does not show where the materials are actually transported from. No indication of where materials to be exported from the site are scheduled to go and by what routes.
- Evidence from residents in the parish suggest that much of the import and export of materials at Rainbarrow Farm is having a serious impact through use of unsuitable B and unclassified roads in the parish.

Representations received

9.13 One representation objecting has been received with the following comments:

- Very disappointing to see virgin crops being used in Anaerobic Digestion.
- Crops should be used for human consumption.
- Food waste produced by households would be a preferable feedstock.
- Greenwash and profit in unsustainable energy.

10.0 Duties

10.1 s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

10.2 S.85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB).

11.0 Relevant Policies

11.1 West Dorset, Weymouth & Portland Local Plan 2015

To view, click [West Dorset, Weymouth & Portland Local Plan 2015](#)

INT1 – Presumption in Favour of Sustainable Development
ENV1 – Landscape, Seascape and Sites of Geological Interest
ENV2 – Wildlife and Habitats
ENV4 – Heritage assets
ENV5 – Flood risk
ENV8 – Agricultural Land and Farming Resilience
ENV9 – Polluted and Contaminated Land
ENV10 - The Landscape and Townscape Setting
ENV15 – Efficient and Appropriate Use of Land
ENV16 – Amenity
SUS2 – Distribution of Development
ECON1 – Provision of Employment
COM7 – Creating a Safe and Efficient Transport Network
COM9 – Parking Standards in New Development
COM11 – Renewable Energy Development

11.2 Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019

To view, click [Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019](#)

Policy 1 – Sustainable waste management
Policy 5 – Facilities to enable the recycling of waste
Policy 6 – Recovery facilities
Policy 12 – Transport and access
Policy 13 – Amenity and quality of life
Policy 14 – Landscape and design quality
Policy 15 – Sustainable construction and operation facilities
Policy 16 – Natural resources
Policy 17 – Flood risk
Policy 18 – Biodiversity and habitat
Policy 19 – Historic environment

Emerging Local Plans

11.3 Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan

To view, click [Dorset Council Local Plan - Dorset Council](#)

11.4 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.

National Planning Policy Framework

To view, click [National Planning Policy Framework - GOV.UK](#)

11.5 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.

11.6 Other relevant NPPF sections include:

- Section 4 Decision taking (paragraphs 39, 48 – 50)
- Section 6 Building a strong, competitive economy (paragraph 85) and supporting a prosperous rural economy (paragraphs 88 and 89)
- Section 9 Promoting sustainable transport (paragraph 115)
- Section 11 Making effective use of land (paragraph 124)
- Section 14 Meeting the challenges of climate change, flooding and coastal change (paragraph 172)
- Section 15 Conserving and Enhancing the Natural Environment – Habitats and biodiversity (paragraphs 187, 192 - 195 set out how biodiversity is to be protected and encourage net gains for biodiversity) and Ground conditions and pollution (paragraphs 198 and 201)

Other material considerations

- Dorset AONB Management Plan 2019-2024
- Dorset County Council Landscape Character Assessment (Open Chalk Downland)
- National Planning Policy for Waste October 2014
- Noise Policy Statement for England 2010 (NPSE)
- 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.

EIA Development

11.7 A screening opinion was previously undertaken by Dorset Council (as the relevant competent authority) for the original permission and determined that the proposed development would not require environmental impact assessment under the terms of the previous Town and Country Planning (Environmental Impact Assessment) Regulations. The amendments proposed in this variation of condition application would not result in likely significant effects of the development on the environment. Therefore the current proposal is also not EIA development.

Habitats Regulations Assessment (HRA)

11.8 The application site is approximately 9400 metres from Dorset Heathlands (Special Protection Area, Special Area of Conservation and Ramsar), 9400 metres from Chesil Beach and The Fleet (Special Protection Area, Special Area of Conservation and Ramsar) and 7200 metres from Cerne and Sydling Downs (Special Area of Conservation), which are European designated sites.

11.9 Should likely significant effects be identified by the screening process it is necessary to further consider the effects by way of an Appropriate Assessment, in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity.

11.10 However, given the significant separation distance from these protected sites and the nature of the proposed application amendments, the proposal would not have a likely significant effect on European sites and further Habitat Regulations Assessment, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), would not be necessary.

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

13.1 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.

13.2 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.

14.0 Financial benefits

14.1 Employment, particularly statutory and site operators during the lifetime of the development and on the farms which produce the feedstock (limited benefit).

15.0 Environmental Implications

15.1 At a national level the Government aims to reduce carbon emissions by 80% (compared to 1990 levels) by 2050 and fully decarbonise the electricity grid by 2035. The Government aims to achieve these targets in a number of ways, including through development of up to 50GW of offshore wind by 2030 and a fivefold increase in solar by 2035 (Powering Up Britain, 2023).

- 15.2 In May 2019 Dorset Council declared a Climate Emergency and there is a heightened expectation that the planning process will secure carbon footprint reductions in new developments.
- 15.3 Regularisation of the higher annual feedstock imports would result in higher traffic movements to and from the site. This has an impact in terms of the site's carbon emissions from vehicles. However, this would be offset over the wider site with outputs of biomethane gas to the grid and separate capture of carbon dioxide.

16.0 Planning Assessment

Principle of Development

- 16.1 The principle of an Anaerobic Digester Plant, which exports gas to the mains grid and produces digestate for use on farmland associated with feedstock imports, was accepted in the 2012 permission (1/D/2011/2113).
- 16.2 A further permission in 2017 (WD/D/17/01149) accepted a fourth feedstock storage clamp, installation of equipment for capturing carbon dioxide and bagging of solid digestate for sale. An increase in vehicle movements and change in feedstock from a mix of agricultural crops and waste to agricultural crops only was also accepted.
- 16.3 The site is occupied by the Anaerobic Digester (fermenter), Digestate Store, associated equipment and the feedstock storage clamps. A previous farm building is used for bagging of the solid digestate and carbon dioxide capture equipment.
- 16.4 The current application seeks to regularise the list of types of feedstock used in the AD process and an increase in annual feedstock imports to 60,000 tonnes. All buildings, equipment and infrastructure currently on site would remain the same. The process of generating gas and by-products would remain unchanged.

2012 Permission Annual Tonnage of Feedstock and Vehicle Movements

- 16.5 Whilst the operator seeks to increase their permitted annual feedstock tonnage, the original condition focused upon vehicle movements discussed in paragraphs of the original Planning Support Statement (as revised in October 2010) as shown below:

1.31 The feedstock will be delivered to the site by either HGV, tractor and trailer or sealed tanker. All delivery vehicles will drive over the weighbridge as they enter the site. Vehicles carrying pig and cattle slurry and potato pulp will deliver their feedstock to the slurry tank. Vehicles delivering maize, grass and poultry manure will deliver their feedstock to the silage clamp. Poultry manure will be delivered daily to the site with only a small buffer stock being kept on the clamp to cover weekend and Bank Holiday periods.

1.32 The majority of the feedstock will be generated within 10 miles of Rainbarrow Farm. The approximate number of deliveries which importation of the feedstock will generate are set out in the table below.

Type of Feedstock	Generation Site	Number of deliveries per week	Notes
Pig Slurry	Frampton	2 x 29 tonne lorries per week	
Dairy Cow Slurry	Martinstown and Winterbourne Herringston	1 x 29 tonne lorry per week	
Chicken Manure	Affpuddle and Winterbourne Whitechurch	3 x 29 tonne lorries per week	
Potato Waste	The Granby Industrial Estate, Weymouth	4 x 29 tonne lorries per week.	
Grass Silage	Farms within 10 Miles of Rainbarrow Farm	16 x 29 tonne Lorries per Day*	*Restricted to grass silage harvest time i.e. 2-3 days in May, June, July and August.
Maize silage	Farms within 10 Miles of Rainbarrow Farm	16 x 29 Tonne lorries per day*	*Restricted to maize silage harvest i.e. days in September/October.

1.33 Excluding the grass and maize silage which will be for a few days a month during the harvest time, the importation of the manure, slurry and potato pulp will generate approximately 20 two way vehicle movements per week (10 in and 10 out). This figure is based on the use of 29 tonnes lorries. If 14 tonne tractors and trailers are used, this would generate approximately 42 deliveries per week.

1.34 In addition to this vehicle generation, the end-substrate material will be transported off site by 14 tonne tractors and trailers or 29 tonne lorries and give rise to approximately 38 or 18 loads per week respectively. These vehicle movement

figures will be less in reality as a proportion of the end substrate will be used at Rainbarrow Farm and thus will not need to be exported off site.

1.35 According to these figures, daily vehicle movements may be up to 15 trips per day on the busiest days which equates to 2 trips (4 two way movements) per hour.

16.6 The current submitted Transport Statement has reviewed this wording and provided theoretical / approved vehicle loads for a 29 tonne HGV and 14 tonne tractor and trailer. Given that the current arrangements for the site now primarily use tractor and trailer for harvest imports, these are focused upon. The Transport Statement has calculated that the 2012 permission permitted 4 import loads and 7 export loads per day in winter (22 vehicle trips), 8.5 import loads and 7 export loads per day during the spring/summer period (31 vehicle trips) and 25 import loads and 7 export loads per day at the busiest autumn period (64 vehicle trips).

16.7 The Transport Statement has calculated that the annual tonnage approved for the 2012 permission was 34,858 tonnes and is consistent with the 'around 35,000 tonnes of feedstock per annum will be used', as stated in paragraph 1.27 of the original planning support statement (2010).

2017 Permission Annual Tonnage of Feedstock and Vehicle Movements

16.8 Since the original planning permissions in 2010 and 2012, a subsequent permission in 2017 approved an additional feedstock storage clamp. This resulted in the acceptance of additional annual feedstock tonnage and also an increase in vehicle movements. The additional 536 deliveries equated to an additional 7,504 tonnes annually. As such, the AD Plant currently has an accepted annual limit of approximately 42,500 tonnes.

16.9 As a result of the 2017 permission, the feedstock has changed so that the previous regular deliveries throughout the year of cow slurry, chicken manure and potato waste have ceased, and the tonnage has been replaced / increased with crop grown feedstock. The justifications at the time for removing the waste feedstocks were:

- The waste imports were resulting in a high water content, which inhibits gas production;
- The cost of potato pulp was increasing;
- Cow slurry being unreliable in generating consistent levels of gas;
- Cow slurry containing plastic that would become blocked in the AD Plant; and
- The level of contaminants in the waste imports were increasing and putting at risk the Environment Agency licences that allow spreading of the digestate on land.

- 16.10 The change to farm derived crop material with constant quantity and quality has provided the AD Plant with more stable operating conditions and reduced spikes in gas production. However, the change to crop based feedstock has resulted in deliveries being concentrated in the two harvest periods in May / June and September / October.
- 16.11 The additional 536 deliveries accepted in the 2017 permission have resulted in an average of 34 extra vehicle trips (17 in, 17 out) each day on harvest days when replenishment of the clamps is taking place. Exports for digestate were assumed to be the same level as approved in 2012 (7 in, 7 out) and the CO₂ capture would generate one extra load (1 in, 1 out).

Increase in Annual Tonnage to 60,000 Tonnes

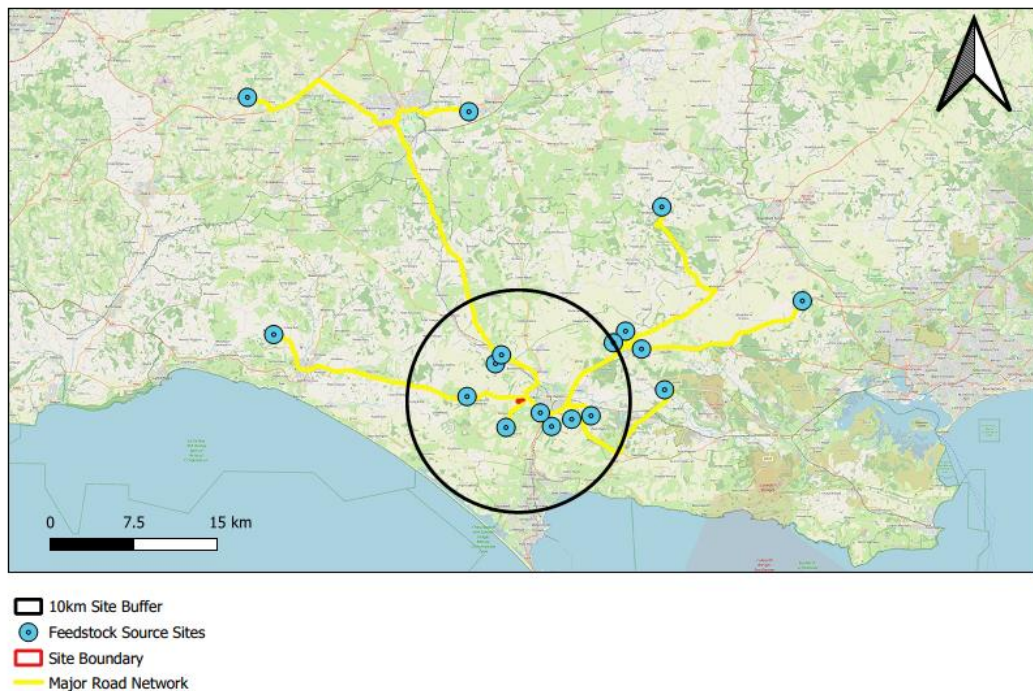
- 16.12 The Applicant has confirmed that the annual tonnage of feedstock brought to the site has in recent years been up to 55,000 tonnes, and this application seeks to regularise the approved quantity by requesting planning permission to be granted for up to 60,000 tonnes per annum. This is an increase from the maximum tonnage accepted in 2017 of approximately 42,500 tonnes.
- 16.13 The unauthorised increase in annual tonnage has led to an increase in vehicle movements associated with import of feedstock during the harvest periods. The observed vehicle movements data provided in Appendix B of the Transport Statement, and additional daily data provided for September and October 2024, shows that the number of trips varies significantly from year to year and also day to day during the time of harvest. This is due to the supply of feedstock crop being dependent upon when the crop is at its prime and ready for harvest as well as weather conditions. The result is that the harvest delivery programme has an intensively busy time interspersed with quieter days. In periods outside harvest time, the main vehicle movements would be significantly lower and mostly associated with export of digestate and CO₂ for a substantial part of the year.
- 16.14 Despite the high actual harvest vehicle movements, the Highway Authority has raised no objection to the proposal to increase the annual feedstock imports to 60,000 tonnes. The reasons for this are:
- The high vehicle movements would only be undertaken for short periods during the spring/summer and autumn harvests.
 - The access entrance of the application site is located approximately 275 metres from Monkeys Jump Roundabout. This part of Bridport Road is rural, with one business (McDonalds) along the route. There is only a short distance of travel for the greatest concentration of trips before they disperse along different routes to supply farms.
 - McDonalds experiences overflow parking on the verge of Bridport Road. However, this parking does not obstruct the highway and vehicles travelling

to and from Rainbarrow Farm are able to maintain their use of Bridport Road.

- Feedstock is delivered to Rainbarrow Farm by tractor and trailer, which tend to operate for longer hours beyond peak time (7am-6pm). The 2024 harvest vehicle movements do suggest that a significant proportion of loads were delivered after 6pm.
- Compared to the vehicle numbers that use the A35 and A37 each day, the trips generated from Rainbarrow Farm are low, despite the high figures on the busiest harvest days.

16.15 The applicant has submitted the plan below which shows the feedstock source sites. The majority of the sites are located within or close to 10 km (approximately 6 miles) from the AD Plant. Most of the sites would be able to use A roads and some B roads. There would be some limited use of C roads for short distances. The plan shows that the supply farms are dispersed so there would not be an unacceptable concentration of trips from a particular location. The plan also demonstrates that the greatest concentration of vehicle movements would be between the site entrance and the Monkey Jump Roundabout.

16.16 Five of the sites are located significantly further from the application site. A condition is therefore proposed to ensure that any new supply farms in the future are sited at a more acceptable distance from Rainbarrow Farm.



16.17 Whilst the Highway Authority raises no highway safety concerns, the observed vehicle movements recorded since 2020 show that harvest time feedstock

deliveries have grown significantly above the number of trips accepted by the 2017 permission.

16.18 Conditioning a daily or hourly upper limit for vehicle movements during the harvest time would be challenging due to the nature of how crops are harvested and delivered to the site. However, parish councils have raised amenity concerns relating to vehicle movements. As a compromise, a Delivery and Servicing Plan (DSP), including a Route Management Plan has been submitted by the applicant. This secures:

- The B3159 through Martinstown and Winterborne Steepleton as a restricted route. All hauliers and drivers shall be advised to not use this road as a through route, other than vehicles with an origin or destination immediately served by the B3159.
- Hauliers and drivers being advised to use the highest category of road available when delivering or collecting materials.
- The number of vehicle movements would be controlled by the maximum tonnage of feedstock to 60,000 tonnes per annum.
- Deliveries and collections must be by prior arrangement only. The Site Operations Manager (DSP Manager) would advise on the requirements of the Delivery and Servicing Plan in advance of the first visit or for any changes to the DSP over time.
- The DSP Manager would assess the feedstock deliveries scheduled for each forthcoming week during the harvest period. In circumstances where the numbers are predicted to exceed the numbers provided in Table 2.6 of the Delivery and Servicing Plan, the DSP Manager would be required to reorganise deliveries. Table 2.6 of the DSP (p. 6) lists average loads per day as being 111 loads for Maize, 77 loads for Rye and 100 loads for Oats.

16.19 The Delivery and Servicing Plan could be secured by condition, with the opportunity for the plan to be reviewed annually and any amendments submitted and agreed in writing with the Local Planning Authority.

16.20 In conclusion, the Anaerobic Digester Plant is supplied by a number of farms which have feedstock supply sites that are mostly located approximately 10 km from the Anaerobic Digester Plant. Trips to and from the site would be concentrated on short length of highway between the plant entrance and Monkeys Jump Roundabout and then disperse along the A35 and A37. Filling of the storage clamps during harvest periods would generate high numbers of vehicle trips, which could be managed through the Delivery and Servicing Plan and limiting the annual feedstock imports to 60,000 tonnes. With these highways aspects secured by condition, it is considered that the proposal would not cause adverse harm to highway safety and neighbouring amenity and would be in accordance with Policy COM 7 of the West Dorset, Weymouth & Portland

Local Plan 2015 and Policy 12 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

Feedstock List

16.21 Condition 28 of planning permission 1/D/2011/2113 required that the feedstocks were to be limited to those outlined in paragraph 1.28 (see below) and sourced from the locations identified in paragraphs 1.29 and 1.32 of the original Planning Support Statement (Revised Proposal) revised December 2010.

1.28 The feedstock will include the following:

- Dairy Cow Slurry
- Chicken Manure
- Maize Silage
- Grass Silage
- Potato Pulp

1.29 With the exception of the potato pulp which will come from Weymouth, the feedstock will be brought to Rainbarrow Farm from surrounding farms and the end substrate (approximately 80% of the weight of the feedstock) will also be used on those farms. The AD plant will enable the end substrate to be applied to land, reducing the use of artificial fertilisers and will be much less odorous and potentially polluting than untreated manure and slurry.

1.32 The majority of the feedstock will be generated within 10 miles of Rainbarrow Farm.

16.22 The applicant would like to reduce the approved feedstock list to maize, silage and grass (rye) silage. They would also like to introduce oats into the list, thus have a feedstock list with 3 items.

16.23 Using crops which have been specifically grown to produce energy at the AD Plant has raised comments in the representations that land is being taken away from food crop production. The applicant has indicated that feedstock crops for the plant are grown as part of a three year rotation with other food crops on the supply farms. Farm derived crop material with constant quantity and quality has provided the AD Plant with more stable operating conditions and reduced spikes in gas production. For these reasons, using maize, rye and oat crops for feedstock are considered to be acceptable and could be secured by condition.

Neighbouring Amenity

- 16.24 The closest neighbours to the application site are the Radio Station Cottages approximately 395 metres the north west. These cottages are located on the A35 and increases in traffic movement associated with the amended application would be absorbed into the traffic numbers using the A35.
- 16.25 There is also a cluster of dwellings on Bridport Road at a similar distance from the application site. The majority of vehicles would use Bridport Road to the north of these dwellings, with only one supply farm having a route southwards along Bridport Road.
- 16.26 It is considered that there is sufficient separation distance between the closest dwellings and the application site so that no direct harm to neighbouring amenity would occur. The changes to the annual tonnage of feedstock and supply of feedstock types would be managed by the Delivery and Servicing Plan and would not lead to material harm of residential amenity from increase vehicle movements. The proposed amendments are in accordance with ENV16 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policy 13 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

Other Matters

- 16.27 This current application relates specifically to the feedstock types and traffic levels only. There are no proposed changes to the on-site buildings, equipment or infrastructure. Conditions on the original permission to secure these aspects of the development are proposed to be carried forward and updated in a new planning permission, if granted.

17.0 Conclusion

- 17.1 The principle of an Anaerobic Digester Plant, which exports gas to the mains grid, production of digestate for use on farms associated with feedstock imports and the general sale and capture of CO₂, has previously been accepted in the 2012 and 2017 permissions.
- 17.2 Annual feedstock was accepted at approximately 35,000 tonnes in 2012 and then 42,500 tonnes in 2017. The 2017 permission accepted the change to crop only derived feedstocks, with the discontinuation of waste derived feedstocks to the Anaerobic Digestate Plant (AD Plant).
- 17.3 Trips to and from the farm are concentrated on a short length of highway between the plant entrance and Monkeys Jump Roundabout and then disperse along the A35 and A37. Filling of the storage clamps during harvest periods has generated high, but significantly variable, numbers of vehicle trips for a short

period in the spring/early summer and autumn. The submitted data shows that the site has been operating at up to 55,000 tonnes of feedstock per annum.

- 17.4 The submitted route map shows that the majority of supply sites are located within approximately 10 miles from Rainbarrow Farm and that the main transport routes including the A35 and A37 are used. A condition to ensure any new supply farms are located within 10 miles (as accepted by the 2012 permission) of the site could be secured by condition.
- 17.5 Whilst the Highway Authority raises no highway safety concerns, vehicle trips during the harvest periods can be very high and have raised amenity concerns with Parish Councils. Conditioning vehicle trips for harvest periods would be difficult to achieve due to supply being weather dependent and when crops are ready for harvest. However, amending Condition 27 to secure a Delivery and Servicing Plan is considered to be an acceptable compromise for managing a more consistent feedstock supply during the harvest.
- 17.6 Agricultural crop feedstocks have been accepted since the 2017 permission and have provided the AD Plant with more stable operating conditions and reduced spikes in gas production. Amending the previous Condition 28 to rye, oats and maize crops is considered to be acceptable.
- 17.7 Implementation of a Delivery and Servicing Plan that manages feedstock supply during the harvest would ensure that changes to the annual tonnage of feedstock 60,000 tonnes and feedstock types would not lead to material harm of residential amenity.

Recommendation: Grant Planning Permission subject to the following conditions:

1. Plans List - Approved

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

02 Planning Application Boundary dated December 2010
9100 Rev P2 Access and Site Road Details dated April 2010
003 Proposed Site Access and Access Road drawing dated April 2010
004 Proposed Site Access & Typical Cross Section Detail dated April 2010
16569/006 Drainage Layout as agreed on 22 February 2012
87i/01/TW/100 Rev N Overall Site Plan dated 11 June 2012
Feedstock Locations and Routes received 18 November 2024

Reason -

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

2. Delivery and Servicing Plan

Imports and exports to and from the Anaerobic Digester Plant shall be implemented in accordance with the Delivery and Servicing Plan (Entran, January 2025). In particular, the site operator shall comply with paragraphs 4.13-4.21 of the Delivery and Service Plan. The Delivery and Servicing Plan shall be reviewed annually to enable updates to the approved scheme. If any updates are necessary, these shall be submitted to, an agreed in writing by, the Minerals Planning Authority. A log of vehicular movements shall continue to be kept and these formal records shall be made available for inspection by the Local Planning Authority at seven days notice.

Reason -

To ensure that the proposal does not result in any adverse impact on highway safety and the amenities of the surrounding area and nearby residential properties and in accordance with Policies ENV16 and COM 7 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policies 12 and 13 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

3. Feedstocks - Quantity and Type

Feedstock from supply farms imported to Rainbarrow Farm, that require transport on the public highway, shall be limited to a maximum of 60,000 tonnes per annum. The feedstocks shall be limited to maize, rye and oat crops.

Reason -

To ensure that the proposal does not result in any adverse impact on highway safety and the amenities of the surrounding area and nearby residential properties and in accordance with Policies ENV16 and COM 7 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policies 12 and 13 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

4. Feedstock Source Sites

Any new feedstock source sites, which have not been shown on drawing 'Feedstock Locations and Routes' received 18 November 2024, shall be located within 10 miles of the site.

Reason -

To ensure that the proposal does not result in any adverse impact on highway safety and the amenities of the surrounding area and nearby residential properties and in accordance with Policies ENV16 and COM 7 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policies 12 and 13 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

5. Height of Storage within Feedstock Clamps

All feedstock shall be stored within the silage clamp as identified on the approved plans. The maximum height of any settled material shall not exceed 5 m above ground level in accordance with the details as submitted in paragraph 1.24 of the Planning Supporting Statement (Revised Proposal) revised December 2010 submitted as part of the planning application reference number 1/D/10/001372.

Reason -

To minimise any impact on the surrounding landscape character and in accordance with Policy ENV1 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policy 14 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

6. Cover to feedstocks kept in silage clamp

Any feedstocks stored within any of the individual bays shall be covered by a dark green cover to RAL 6005 (Moss Green) or alternatively a black coloured cover. The feedstocks shall continue to be covered in accordance with the details outlined above so long as the silage clamps are in use.

Reason -

To minimise any impact on the surrounding landscape character and in accordance with Policy ENV1 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policy 14 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

7. Colour of the Gas Storage Balloon

The gas storage balloon that is located on top of the digestate store shall be retained in a grey external colour (Window Grey RAL 7040) in accordance with the details sent to the Waste Planning Authority in the email from Nick Finding dated 27 January 2011 as part of application reference number 1/D/10/001372.

Reason -

To minimise any impact on the surrounding landscape character and in compliance with Policy ENV1 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policy 14 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

8. Retention of Re-profiled Land

The re-profiled land (as shown on plan Ground Levels Plan 8, dated 10 July 2017) shall be retained for the duration of the development.

Reason -

To protect the character of the landscape and in the interests of visual amenity in accordance with Policy ENV1 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policy 14 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

9. Visibility Splays

The visibility splay areas as shown on drawing number 003 titled Proposed Site Access and Access Road dated April 2010 submitted as part of planning application 1/D/10/001372 shall be retained and maintained free of any obstruction (including any growth) above 600 mm when measured from the level of the adjoining highway to enable a clear line of sight.

Reason -

In the interests of highway safety and in compliance with Policy COM 7 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policy 12 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

10. Vehicle Access

All vehicles associated with the operation of the Rainbarrow Farm site shall access the facility via the roadway that approaches the main site from the east along the access approved as part of the development of the site under planning application reference number 1/D/10/001372.

Reason -

In the interests of highway safety in accordance with Policy COM 7 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policy 12 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

11. Noise levels

The development hereby permitted shall be undertaken and operate within the noise parameters as set out within the Noise Assessment document (Revised Proposals) dated June 2010 and revised December 2010 submitted as part of the planning application reference number 1/D/10/001372.

Reason -

To ensure that the proposal does not result in any adverse impact on the amenities of the surrounding area and nearby residential properties and in accordance with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policy 13 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

12. Operating Hours

Excluding harvest times of the feedstocks to supply the Anaerobic Digester Plan hereby approved, the site shall only be open to receive or dispatch any vehicle carrying feedstocks, digestate or any other material or equipment associated with the operation of the site between the hours of:
07:00 to 18:00 hours Mondays to Fridays inclusive and
07:00 to 13:00 hours on Saturdays and at no time on Sundays, Bank, or Public Holidays.

Reason -

To protect the amenities of nearby properties from harm and in accordance with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policy 13 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

13. Air Quality

The development hereby permitted shall be undertaken and operate within the air quality parameters as set out within the Air Quality Assessment document (Revised Proposals) dated June 2010 and revised December 2010 submitted as part of the planning application reference number 1/D/10/001372.

Reason -

To ensure that the proposal does not result in any adverse impact on the amenities of the surrounding area and nearby residential properties and in accordance with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policy 13 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

14. Air Quality Mitigation Measures

The mitigation measures to ensure that there are no odour or emissions from any part of the site operation that would cause any amenity concerns or impact on the surrounding environment as detailed in the Air Quality Assessment document dated July 2010 submitted as part of the planning application reference number 1/D/10/001372 shall be implemented throughout the life of operation of the site.

Reason -

To ensure that the proposal does not result in any adverse impact on the amenities of the surrounding area and nearby residential properties and in accordance with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policy 13 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

15. Remove plant if no production

Should the plant fail to generate any methane gas for a period in excess of 12 months then the fermenter, feed hopper, digestate store, gas storage balloon, biogas engine, CHP container, flare and the control building implemented as part of the planning application reference number 1/D/10/001372 and those items of plant above ground implemented as part of the current application 1/D/2011/2113 shall be removed from the site.

Reason -

To minimise any impact on the surrounding landscape character and in accordance with Policy ENV1 of the West Dorset, Weymouth & Portland Local Plan 2015 and Policy 14 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 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.
- The applicant was provided with pre-application advice.