



Strategic and Technical Planning Committee

Date: Monday, 2 September 2024
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum 6)

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

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

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

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Agenda

Item	Pages
1. APOLOGIES	
To receive any apologies for absence.	
2. MINUTES	3 - 28
To confirm the minutes of the meeting held on 29 July 2024.	
3. DECLARATIONS OF INTEREST	
To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	

If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

4. REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS

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

The deadline for notifying a request to speak is 8.30am Thursday 29 August 2024.

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

29 - 44

A Tree Works Application has been received to remove trees at woodland Tree Preservation Order (TPO) 38/2/05 at Dinah's Hollow, Melbury Abbas. The works are required in order to implement a Highways scheme.

6. URGENT ITEMS

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

7. EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended). The public and the press will be asked to leave the meeting whilst the item of business is considered.

There are no exempt items scheduled for this meeting.



STRATEGIC AND TECHNICAL PLANNING COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 29 JULY 2024

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

Apologies: Cllrs Richard Crabb and Sherry Jespersen

Also present: Cllrs Shane Bartlett, Scott Florek, Craig Monks, David Shortell and Andy Skeats

Also present remotely: Cllr Gill Taylor

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

Ann Collins (Development Management Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Kim Cowell (Development Management Area Manager - Eastern Team), Mike Garrity (Head of Planning), Steve Savage (Transport Development Liaison Manager), Diana Mezzogori-Curran (Senior Planning Officer), Joshua Kennedy (Democratic Services Officer), Paul Eastwood (Engineer (Development Liaison)), Matthew Pochin-Hawkes (Lead Project Officer) and Matthew Turnbull (Democratic and Electoral Services Apprentice)

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

28. **Minutes**

The minutes of the meeting held on 4 March 2024 were confirmed and signed.

29. **Declarations of Interest**

Cllr Northam declared that he had sat on the Weymouth Town Council Planning Committee when item 5a was heard, however would approach the application with an open mind and was not pre-determined.

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

All details on public participation are reported in the items below.

31. **Application No: P/FUL/2023/04657- East Chickerell Court Farm, Chickerell, Weymouth**

The Lead Project Officer presented the application for the development of a battery energy storage system (BESS). The proposed site would be located within

Chickerell and members were informed of the various designations of the application site and surrounding areas. It was also noted that there was a current application for approximately 400 homes to the west of the site and the proposed location of that application was shown on a map to provide an indication of proximity between the two sites.

The topography of the site was explained to members and a number of photographs were provided from various viewpoints around the site and access points to and from the site. A proposed site plan was provided and the layout and composition of the site was explained by the case officer, who also noted that the timespan of the application was limited to 40 years.

The size and appearance of the BESS containers, control room building, water tanks, inverter building and steel and mesh fencing were all shown to members and cross sections of different points in the site were also provided, to give a sense of the proposed change in ground levels throughout the site.

The Lead Project Officer outlined the sustainability benefits of the scheme and explained that the BESS would allow for the storage of electricity generated from renewable sources and the ability to supply electricity to the National Grid when required. Extracts from the Department for Energy Security & Net Zero (DESNZ) Renewable Energy Planning Database showing current BESS facilities in the UK, as well as those under or awaiting construction were provided, to give members an indication of how prevalent BESS facilities were in the UK and the scale of projects. Planning applications for BESS' within Dorset and neighbouring local planning authorities were also listed.

It was explained that although there was a loss of best and most versatile agricultural land, it was considered that the highly sustainable location of the development outweighed the loss, as it was necessary for the compound to be located near to a substation.

Extracts from the Landscape and Visual Impact Assessment undertaken by the applicant were shown to members, to give the extent of visibility and visual impact. Extracts showing proposed landscape mitigation at Year 1 and Year 10 were displayed to show the effect that planting would have on screening the site over time. A noise impact assessment showed that there would not be a significant impact on the noise levels in the surrounding area and it was also noted that there were no highway concerns with the application.

The Lead Project Officer explained that there was a potential fire risk, due to the storage of lithium batteries on the site, however national planning practice guidance on safeguarding against fire risk had been followed, as well as guidance from the National Fire Chiefs Council and the local Fire & Rescue Service had been consulted as part of the consultation process. Fire risk and compliance with guidance had also been considered by a third-party consultant instructed by Dorset Council. As a result, it had been ensured that the BESS containers were an appropriate distance away from each other, other on site infrastructure, vegetation and surrounding land uses (including proposed residential development). Access had been changed to allow emergency services more flexibility in tackling a fire

and passing places had been added. Water tanks had been resituated to be further away from the BESS containers.

The safety features of the BESS containers were summarised for members and included both preventative measures such as, smoke and heat detectors and mitigating features such as, water tanks and a gas suppression system. The risk of fire spreading between containers was considered low due to the distances between them.

The key planning issues were summarised and it was considered that the application was acceptable as the moderate visual harm was outweighed by the significant renewable energy benefits, biodiversity net gains and construction jobs.

Public representations were received in opposition to the application from Mr Hardy, Dr Farron, Ms Hazel, and Mr Perrott, who raised concerns over the potential fire risk of the site and the proximity of the site to nearby homes. They also raised concern over the destruction of wildlife during the construction of the site and questioned the renewable energy benefits, as the BESS compound would not produce any additional energy. Cllr Gill Taylor also spoke as Ward Member and represented Cllr Simon Clifford. She raised concerns about safety and explained that the development was unpopular among local residents.

The meeting adjourned at 11:32 – 11:44

Mr Etheridge and Mr Troup spoke as representatives of the applicant in support of the application. They expressed that the BESS compound would comply with safety regulations and that the risk from a fire spreading between containers was very low.

Following the public speakers the Lead Project Officer clarified that there had been one incident of a fire at a BESS facility in the UK and that site was not operated by the applicant; there had been 16 letters of support for the application in addition to the letters of objection and that the NPPF stated that the applicant did not need to demonstrate the need for the development.

The Lead Project Officer provided the following responses to questions from members about the application:

- The application would follow national guidance on the storage of water that would provide for a minimum of two hours of use in the event of a fire.
- The general guidance on lithium BESS fires is to use a defensive approach with water used to cool the other units down and prevent the fire from spreading.
- The Environment Agency had been consulted about runoff and the applicant had designed the scheme to include attenuation ponds.
- The Energy Act amends the Electricity Act to acknowledge that batteries are a distinct form of energy generation. The proposals would contribute to decarbonisation of the National Grid, by allowing the storage of energy from renewable sources and reducing curtailment of renewable energy generation.

- The time limit of 40 years was standard for a BESS facility. It is not known what the demand will be for such a site in the future, given technological developments.
- The Emergency Planning Team at Dorset Council had been consulted on the application and would assist in coordinating an emergency response in the event of a fire.
- It was considered that the proposed access was sufficient to allow emergency vehicles to access the site.
- The access to the site had been amended to include a circular route around the site.
- Public benefits of the site included access to 6 hectares of publicly available space for informal recreational purposes.
- The proposed permissive footpaths would not impact the outcome of a Definitive Map Modification Order DMMO planning application in relation to the proposed designation of public footpath north/south through the site.

The committee voted in favour of extending the meeting beyond three hours.

Meeting adjourned at 13:01 – 13:34

Cllr David Taylor left the meeting at 13:01

Having had the opportunity to ask questions of officers and discuss the merits of the application, although some members expressed concerns over the safety aspects of the application, several members felt that the objections raised did not warrant refusal of the application.

Proposed by Cllr Bolwell and seconded by Cllr Ridout.

Decision:

- A) That authority be delegated to the Head of Planning or the Service Manager for Development Management and Enforcement to grant planning permission, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Head of Legal Services to secure:
- Permissive footpath routes through the site as shown on Landscape Plan ref. 21-LP-01 Rev B and publicly accessible recreational space within Fields 5 and 6 for the lifetime of the development.

And subject to the planning conditions set out in the appendix to these minutes.
and

- B) Refuse permission for the reasons set out below if the agreement is not completed by 29 January 2025 (6 months from the date of committee) or such extended time as agreed by the Head of Planning:
- In the absence of a completed Section 106 legal agreement to secure provision of permissive footpath routes through the site as shown on Landscape Plan ref. 21-LP-01 Rev B and publicly accessible recreational space within Fields 5 and 6 for the lifetime of the development the degradation to existing Public Right of Way

S16/21 would not be compensated for and there would be a resultant net degradation of the Public Right of Way network in conflict with West Dorset, Weymouth & Portland Local Plan (2015) Policy COM7.

32. **Application No: P/FUL/2023/06578 - Land to the north west of Holt Road Three Legged Cross Wimborne**

Cllr Coombes and Cllr Flower left the meeting at 13:45.

The Senior Planning Officer presented the application for a battery storage facility and began by showing members the location of the application site, which was in a rural setting in Three Legged Cross and the designated Green Belt.

Photographs of the site, the surrounding areas, adjacent development and access to and from the site were provided to give members a visual indication of the application site. The proposed site plan, which had been amended following consultation with the local Fire Service, showed the layout of the site, including the location of the containers and ancillary buildings. It was explained that the site had one main access and a road around the perimeter of the site but included provision for a second access.

The need for the storage facility and its siting in close proximity to the Mannington substation was explained. The storage of renewable energy was consistent with policies in the NPPF and Local Plan and there no letters of representation from third parties had been received in response to the application.

It was considered that there would be harm to the green belt as a result of the proposal, however due to the 40-year life span of the development, low height of the compound and screening of the site, harm to the Green Belt would be moderate. In addition, the renewable energy benefits of the site were considered as very special circumstances, which outweighed the harm to the Green Belt by reason of inappropriateness, openness and any other harm.

The Senior Planning Officer provided details around the Noise Impact Assessment that had been submitted, the impact on residential amenity, the biodiversity plan and the impact on highways.

Fire risk was a principal concern, however, the application had been amended following consultation with the Local Fire service and it had been ensured that access around the site was compliant with their advice.

Ms Lewis spoke in support of the application as a representative of the applicant. She expressed that the development would be important in providing renewable energy benefits and that stakeholders had been closely consulted with to provide a scheme that was acceptable.

In response to members questions the Senior Planning Officer provided the following responses:

- It had been agreed with the Fire Service that a single access point was considered acceptable.

- The renewable energy benefits came from the storage of energy from renewable sources and this was given substantial weight when considering the balance of the application.
- The compound should be located within 1km of the substation for it to be considered viable, therefore the location of the site was crucial to the compound.

Members had the opportunity to debate the merits of the application.
Proposed by Cllr Ridout and seconded by Cllr Northam.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

33. **Urgent items**

There were no urgent items.

34. **Exempt Business**

There was no exempt business.

35. **Update Sheet**

Decision List

Duration of meeting: 10.00 am - 2.50 pm

Chairman

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Strategic and Technical Planning Committee 29 July 2024 Decision List

Application Reference: P/FUL/2023/04657

Application Site: East Chickerell Court Farm, Chickerell, Weymouth

Proposal: Development of a Battery Energy Storage System (BESS) of up to 400MW, connected directly to the National Grid, with associated infrastructure including access, drainage and landscaping.

Recommendation:

A) Delegate authority to the Head of Planning or the Service Manager for Development Management and Enforcement to grant planning permission, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Head of Legal Services to secure:

- Permissive footpath routes through the site as shown on Landscape Plan ref. 21-LP-01 Rev B and publicly accessible recreational space within Fields 5 and 6 for the lifetime of the development.

And subject to the planning conditions detailed below.

B) Refuse permission for the reasons set out below if the agreement is not completed by 29 January 2025 (6 months from the date of committee) or such extended time as agreed by the Head of Planning:

- In the absence of a completed Section 106 legal agreement to secure provision of permissive footpath routes through the site as shown on Landscape Plan ref. 21-LP-01 Rev B and publicly accessible recreational space within Fields 5 and 6 for the lifetime of the development the degradation to existing Public Right of Way S16/21 would not be compensated for and there would be a resultant net degradation of the Public Right of Way network in conflict with West Dorset, Weymouth & Portland Local Plan (2015) Policy COM7.

Decision:

A) Delegate authority to the Head of Planning or the Service Manager for Development Management and Enforcement to grant planning permission, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the Head of Legal Services to secure:

- Permissive footpath routes through the site as shown on Landscape Plan ref. 21-LP-01 Rev B and publicly accessible recreational space within Fields 5 and 6 for the lifetime of the development.

And the following conditions.

Time limit

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

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended). The longer time period is considered reasonable given the complexity of the pre-commencement conditions and the anticipated receiving date to the National Grid of 2028.

Approved Drawings

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

- SL259_L_X_LP_1 Location Plan
- SL259_L_X_MP_1 Rev B Block Plan
- SL259_L_X_CS_1 Rev A Cross Sections
- 521_LP_01 B Landscape Plan
- SD_1 Rev A Vehicle Tracks
- SD_2 Rev A Contractors Temporary Compound
- SD_3 Weld Mesh Fence to Battery Compounds
- SD_4 Palisade fence to the substation compound
- SD_5 External Transformer
- SD_6 Container housing batteries
- SD_7 Spare Parts Container
- SD_8 Welfare Module
- SD_9 Inverter House
- SD_10 Reptile Hibernacula
- SD_11 Pole Mounted Security Camera
- SD_12 Rev A Fire Water Tank
- SD_13 Control Room Building
- SD_15 Compound Surface Finishes
- SD_16 Rev A Permissive Footpath Construction
- SD_17 Kissing Gate Detail
- SD_18 Permissive Path Way Marker Post
- SD_18 Rev B Piped Ditch Crossing
- SD_19 Fruit Tree Protection Fence
- SD_20 Tree Pit detail in soft landscape areas
- SD_21 Rev A Retaining Wall 1
- SD_22 Rev A Retaining Wall 2
- SD_23 Bee Bank Detail

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

Temporary Development

3. The planning permission hereby granted shall be limited to a period of 40 years from the date when electrical power is first exported from the batteries to the electricity grid network, excluding electricity exported during installation and commissioning. Written confirmation of

the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason: To define the permission and in the interests of proper planning.

Decommissioning

4. No later than 6 months prior to the expiry of the planning permission, or within 6 months of the cessation of electricity storage and distribution by this facility or within 6 months of a permanent cessation of construction works prior to the facility coming into operational use, whichever is the sooner a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to and approved in writing by the Local Planning Authority. The scheme of works shall include the following details:

- i) a programme of works, including a timetable for their completion;
- ii) a method statement for the decommissioning and dismantling of all equipment and surfacing on site;
- iii) a Decommissioning Traffic Management Plan to address likely traffic impacts associated with the decommissioning;
- iv) details of any items to be retained on site;
- v) a method statement for restoring the land to agricultural use;
- vi) timescale for the decommissioning, removal and reinstatement of the land;
- vii) a method statement for the disposal/recycling of redundant equipment/structures.

The scheme of works shall be undertaken in accordance with the approved details and timescales. The Local Planning Authority shall be notified in writing of the date of the cessation of electricity storage by or distribution from the development within one calendar month of the event.

Reason: To ensure the satisfactory restoration of the site.

Construction Traffic Management Plan

5. Notwithstanding the submitted Construction Traffic Management Plan (CTMP), before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Local Planning Authority. The CTMP must include:

- i. site operating hours.
- ii. construction vehicle details (number, size, type and frequency of movement).
- iii. a programme of construction works and anticipated deliveries.
- iv. timings of deliveries so as to avoid, where possible, peak traffic periods.
- v. a framework for managing abnormal loads.
- vi. location of construction site access.
- vii. location and form of compound, storage areas, parking, turning, surfacing and drainage details.
- viii. wheel wash and vehicle cleaning facilities, including details of the design, specification, position of facilities and measures for the disposal of resultant dirty water, oils/chemicals and materials.

- ix. inspection of the highways serving the site (by the developer or their contractor and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase.
- x. a vehicle routing plan for all contractors and suppliers to adhere to.
- xi. a scheme of appropriate signing of vehicle routes to the site (including access track).
- xii. general signage details.
- xiii. temporary traffic management measures where necessary (for example, lollipop stop/go traffic management).
- xiv. banksmen to oversee larger vehicle arrivals and departures, and to warn any users of the lane.
- xv. measures for consideration of horse riders using the access track.
- xvi. a point of contact for the users of the lane and the Local Highway Authority.
- xvii. noise restrictions if appropriate.
- xviii. details of personnel car/van sharing initiative(s) to minimise vehicle movements.

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.

Construction Environmental Management Plan

6. Before the development hereby approved commences a Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority. The CEMP must include:

- i. details of pollution prevention measures;
- ii. details of the use and routing of plant equipment;
- iii. details of the control and removal of spoil and wastes;
- iv. details of the control of oils, chemicals and materials; and
- v. a timetable for implementation.

The development must be carried out strictly in accordance with the approved CEMP and agreed timetable.

Reason: To prevent pollution of the water environment in line with paragraph 180 of the National Planning Policy Framework.

Diversion of High Voltage Cable

7. Prior to commencement of development details of the re-routed 33kv high voltage cable running beneath the site shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Distribution Network Operator. Details shall include the location and depth of the cable, a timetable for carrying out the diversion together with any proposed hard and soft landscaping, change in ground levels and built development within 15m of the high voltage cable. Thereafter, the diversion shall be carried out in accordance with the approved details and timetable.

Reason: To ensure the high voltage cable is re-routed and the rights of the statutory undertaker are not compromised.

Connection with Chickerell Substation

8. Prior to commencement of development details of the exact route and depth of the underground cable connecting the development with the Chickerell Substation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the underground cable shall be installed as approved.

Reason: To ensure the underground cable is routed appropriately in relation to nearby utilities infrastructure (including SGN high pressure gas pipelines) and the rights of the statutory undertaker are not compromised.

External Colours

9. Prior to commencement of development, details of external colours for all external walls and roofs shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such specification as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

Landscaping

10. No development shall commence until a hard and soft landscape scheme informed by Landscape Plan ref. 521_LP_01 Rev B together with a schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The hard and soft landscaping scheme and schedule of landscape maintenance must include:

- i. details of all trees and other planting to be retained;
- ii. a planting specification and plan to include numbers, size, species, positions of all new trees and shrubs;
- iii. details of existing and proposed levels, walls, fences and other boundary treatments (including colour);
- iv. details of proposed surface treatments;
- v. details of how any trees planted within 10m of high pressure gas pipelines adhere to SGN's tree planting guidelines reference SGN/PM/MAINT/5.
- vi. a programme of implementation;
- vii. a schedule of landscape maintenance covering a minimum period of five years following substantial completion of the development for all landscaping works; and
- viii. a schedule of landscape maintenance for soft landscaping adjacent to BESS compounds for the lifetime of the development to ensure vegetation does not grow within 10m of any BESS container.

All hard and soft landscape works shall be carried out in accordance with the approved details and the landscaping shall be maintained in accordance with the approved schedules of landscape maintenance.

Reason: To ensure the adequate mitigation of the landscape and visual impact of the proposals and the provision of an appropriate hard and soft landscape scheme prior to the commencement of the development; to ensure that the agreed hard and soft landscape scheme is implemented; and to ensure that soft landscaping complies with National Fire Chiefs Council guidance 'Grid Scale Battery Energy Storage System Planning – Guidance for FRS' (2023).

Arboricultural Method Statement

11. Prior to the commencement of any development hereby approved a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include details of how the existing trees and hedgerows are to be protected and managed before and during construction of the development and shall include information on traffic flows, phased works and construction practices near trees. The development shall thereafter proceed in strict accordance with the approved Statement.

Reason: To ensure thorough consideration of the impacts of development on the existing trees

Surface Water Drainage

12. The development hereby permitted shall not be commenced until such time as a final scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the principles of the 'Flood Risk Assessment and Conceptual Drainage Strategy' (dated 16 April 2024, Ref: HLEF85368, Ver 11) including, for the avoidance of doubt, the pollution protection principles associated with BESS compounds. The final drainage designs must demonstrate that in the event of a battery fire, all firefighting effluent can be retained on site. The surface water scheme shall be fully implemented in accordance with the approved details before the development is completed.

Reason: To ensure that any potentially contaminated effluent in the event of a pollution incident does not pose an unacceptable risk to the water environment in line with paragraph 180 of the National Planning Policy Framework.

13. No development shall take place until details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system have been submitted to and approved in writing by the local 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.

Pollution Control

14. The development hereby permitted shall not be commenced until such time as a detailed method statement and emergency plan for pollution control in the event of, and remediation following, a battery fire incident has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not necessarily be limited to:

i. The pollution control methods used in case of a fire, such as how and when valves will be closed to ensure firewater is stored on site and ensuring there is sufficient capacity within the system if needed.

ii. How and where contaminated surface water, site materials and drainage infrastructure will be sampled, managed and remediated/replaced following a fire incident to ensure no contamination enters the environment and normal operation resumes.

iii. A verification plan providing details of the data that will be collected and provided in order to demonstrate that the works set out in the remediation strategy in are complete.

The scheme shall be implemented as approved in the event of a fire incident and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that the any potentially contaminated effluent does not pose an unacceptable risk to the water environment in line with paragraph 180 of the National Planning Policy Framework.

Emergency Response Plan

15. Prior to the commencement of development an Emergency Response Plan shall be submitted to and approved in writing by the Local Planning Authority. The Emergency Response Plan must demonstrate how any fire event on site would be approached, including details on site familiarisation and exercising of emergency plans with the fire service. It shall include the relevant details set out at page 9 of Guidance Produced by the National Fire Chiefs Council 'Grid Scale Battery Energy Storage System Planning – Guidance for FRS' (2023).

Thereafter, the approved Emergency Response Plan shall be implemented and made available on site for the lifetime of the development at the Emergency Services Information Point identified on the approved Landscape Plan (ref. 521-LP-01-Rev B).

Reason: To assist appropriate emergency planning in accordance with National Fire Chiefs Council guidance 'Grid Scale Battery Energy Storage System Planning – Guidance for FRS' (2023).

Noise Mitigation

16. Prior to commencement of development, noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority so as to ensure that the day and night rating levels at NSVRs A, B, C, D, E, F and G, as presented in Column 6, Table 8.4: 'BS 4142:2014+A1:2019 Assessment: Initial Estimate of Impact' on Page 41 of the document 'Chickerell Storage Environmental Impact Assessment Volume 8: Noise Impact Assessment' received 29 December 2023 are not exceeded. Thereafter the development shall be carried out in accordance with the mitigation measures which shall be retained, maintained and operated for the lifetime of the development unless otherwise agreed by the Local Planning Authority under the terms of condition no. 17.

Reason: In the interests of residential amenity.

17. Within six months of commencement of electricity storage and distribution, an Acoustic Report shall be submitted to the planning authority demonstrating that day and night rating levels at NSVRs A, B, C, D, E, F and G, as presented in Column 6, Table 8.4: 'BS 4142:2014+A1:2019 Assessment: Initial Estimate of Impact' on Page 41 of the document 'Chickerell Storage Environmental Impact Assessment Volume 8: Noise Impact Assessment' received 29 December 2023 are not exceeded. The acoustic report shall be produced by a suitably qualified and competent acoustic consultant. If post-commencement testing detailed within the Acoustic Report identifies that day or night rating levels are exceeded, details of further mitigation measures to achieve the levels shall be included with the Acoustic Report submitted to the Local Planning Authority. Thereafter, within 3 months of approval in writing by the Local Planning Authority, the agreed further mitigation

measures shall be implemented in full and a further Acoustic Report demonstrating the relevant day and night rating levels are met shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation measures and any further mitigation measures shall be retained, maintained and operated for the lifetime of the development.

Reason: In the interests of residential amenity.

Unexpected Contamination

18. In the event that contamination is found at any time when carrying out 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. The approved Remediation Scheme shall be carried out within the approved timescale. 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.

Water Tanks

19. Prior to the installation of battery storage units, the water tanks shown on the approved Fire Water Tank drawing (ref: SD-12-Rev A dated 6 October 2023) shall be installed, filled with water to capacity and made available for use. Thereafter, the water tanks shall be maintained, filled with water to capacity and available for use throughout the lifetime of the development and until the battery containers are removed from the site. The water tanks shall be green in colour externally, and details of the precise shade shall be submitted to and approved in writing by the Local Planning Authority prior to first installation and shall thereafter be installed and retained in the agreed colour. The water tanks shall have a minimum flow rate of 1,900 litres per minute.

Reason: To ensure adequate water supplies in accordance with National Fire Chiefs Council guidance 'Grid Scale Battery Energy Storage System Planning – Guidance for FRS' (2023) and in the interests of visual amenity.

External Lighting

20. No external lighting shall be installed until a detailed lighting scheme including lighting levels at the boundary of the site has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the external lighting shall be installed, operated and maintained in accordance with the approved details.

Reason: To protect visual amenities and avoid nuisance to adjoining properties

Battery Specification

21. The BESS containers hereby permitted shall be the BYD MC Cube ESS. They shall be strictly assembled and operated in accordance with the submitted MC Cube ESS Safety Manual (ref. MC10C-B4659-E-R2M01 V01 dated 29 May 2023), MC Cube ESS Fire Technology Plan (ref. MC10C-B5365-U-R4M01 Rev 01 dated 15 November 2022) and BYD Fire Detection Data Datasheets (ref. 001-013 registered 21 May 2024), or updated versions thereof, and maintained in accordance with the specified details for the lifetime of the development.

Prior to installation of any BESS containers, a BESS Safety Management Plan (BSMP) prescribing measures to facilitate safety during the construction and decommissioning of the BESS containers shall be submitted to and approved in writing by the Local Planning Authority. The BSMP shall be implemented as approved and strictly adhered to throughout the construction and decommissioning of the development.

Reason: To minimise fire risks, associated pollution and adverse impacts on residential amenity given the specified batteries have been assessed against National Fire Chiefs Council guidance 'Grid Scale Battery Energy Storage System Planning – Guidance for FRS' (2023) and found to be acceptable by the Local Planning Authority.

Landscape and Ecological Management Plan

22. The measures set out within the Landscape and Ecological Management Plan (LEMP)(ref. 512-Rev D dated 20 November 2023) must be implemented in accordance with any specified timetable and completed in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented and managed entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained for the lifetime of the development.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

Biodiversity Plan

23. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 24 April 2024 must be implemented in accordance with any specified timetable and completed in full. The works shall be completed prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner and photographic evidence of compliance shall be submitted to the Local Planning Authority in accordance with Section J of the Biodiversity Plan. The development shall subsequently be implemented in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained for the lifetime of the development.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

Fire Risk Management Strategy

24. Prior to the occupation of the development an Integrated Fire Risk Management Strategy shall be submitted to and approved in writing by the Local Planning Authority.

The Integrated Fire Risk Management Strategy shall be informed by Environmental Statement Volume 9: Fire Risk, Appendix 2: Fire Liaison Framework. It shall provide details in relation to potential emergency response operations including:

- i. The hazards and risks at and to the facility and their proposed management.
- ii. Any safety issues for firefighters responding to emergencies at the facility.
- iii. Safe access to and within the facility for emergency vehicles and responders, including to key site infrastructure and fire engineering protection systems, information including structural fire protection and resistance.
- iv. The adequacy of proposed gas vapour, fire and heat detection monitoring and suppression systems within the BESS containers.
- v. Adequate provision of water supplies on-site to ensure that firefighting operations and boundary cooling can be achieved.
- vi. Natural and built infrastructure and on-site processes that may impact or delay effective emergency response.
- vii. Premises information boxes containing an agreed tactical response plan to support the Fire and Rescue Service with site specific risk information.
- viii. Detail of the battery safety management system, including thermal monitoring and automated power reduction and isolation.
- ix. Liaison with 24-hour offsite and manned control rooms which monitor battery conditions on a live basis.

Thereafter, the approved Integrated Fire Risk Management Strategy shall be implemented and made available on site for the lifetime of the development at the Emergency Services Information Point identified on the approved Landscape Plan (ref. 521-LP-01-Rev B).

Reason: To assist appropriate emergency planning in accordance with National Fire Chiefs Council guidance 'Grid Scale Battery Energy Storage System Planning – Guidance for FRS' (2023).

Highways

25. Before the development is occupied or utilised the first 20.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

26. Before the development hereby approved is occupied or utilised the access improvement works shown on drawing No. SK06 Rev A (or similar scheme to be first agreed in writing with the Local Planning Authority under the terms of this condition) must have been constructed to a specification which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

27. Before the development is occupied or utilised the turning/manoeuvring and parking shown on the approved plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified for the lifetime of the development.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

Trees

28. Any trees or other plants indicated in the approved landscaping scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the same if possible or next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscaping works shall be permanently retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the agreed hard and soft landscaping scheme is established and maintained.

Pollution Verification

29. Prior to any areas affected by a potential pollution incident being brought back into use, a Verification Report demonstrating the completion of works set out in the approved emergency plan and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The relevant areas shall thereafter only be brought back into use following approval in writing by the Local Planning Authority.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved emergency plan have been met, in line with paragraph 180 of the National Planning Policy Framework.

Informatives

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

2. Informative: Section 106 Agreement

This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [TBC] relating to provision of permissive routes through the

site as indicated on the proposed drawings and publicly accessible recreational space within Fields 5 and 6.

3. Informative: Dorset Highways

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

4. Informative: Users of Access Track

The applicant is advised that proper consideration must be given to all users of the access track when large vehicles arrive and leave the site, with banksmen employed to alert and control other users of the lane, such as horse riders.

5. Informative: Water supply

Provision of water supply should comply as far as is reasonably practicable with the requirements of Approved Document B, specifically part B5, regarding access and water supplies for firefighting or other industry or sector specific guidance by the National Fire Chiefs Council. Particular regard should be given to water supply resilience and the terrain over which fire service vehicles may have to drive in order to access the site.

6. Informative: Southern Gas Networks (SGN)

The site includes easements associated with high pressure gas pipelines. Before any tree planting is carried out on permanent easements, written approval should be obtained from SGN. This approval must be subject to SGN retaining the right to remove any trees which might become a danger, or restrict access to the pipeline at any time in the future. The developer's attention is drawn to SNG's Guidance for Third Parties: Safe Working Near High Pressure Gas Pipelines.

7. Informative: SSEN High Voltage Cable

The site includes a high voltage underground cable covered by a Deed of Grant (dated 2 August 1967). Notwithstanding planning conditions, written approval must also be obtained from SSEN prior to the diversion of the cable.

B) Refuse permission for the reasons set out below if the agreement is not completed by 29 January 2025 (6 months from the date of committee) or such extended time as agreed by the Head of Planning:

1. In the absence of a completed Section 106 legal agreement to secure provision of permissive footpath routes through the site as shown on Landscape Plan ref. 21-LP-01 Rev B and publicly accessible recreational space within Fields 5 and 6 for the lifetime of the development the degradation to existing Public Right of Way S16/21 would not be compensated for and there would be a resultant net degradation of the Public Right of Way network in conflict with West Dorset, Weymouth & Portland Local Plan (2015) Policy COM7.

Application Reference: P/FUL/2023/06578

Application Site: Land to the north west of Holt Road Three Legged Cross Wimborne

Proposal: The construction and installation of a Battery Storage Facility, associated infrastructure, landscaping, fencing, site access road, biodiversity net gain planting and cable corridors.

Recommendation: GRANT subject to conditions.

Decision: That the application be granted subject to the conditions set out below.

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

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

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

P001 J Location Plan
G001 A Spare Parts Container Floor Plans & Elevations
G002 A PCS & Transformer Arrangement
G003 A Battery Arrangement
G004 A DNO Incomer Substation Arrangement
G005 C Fencing Gate & CCTV Arrangement
G006 A BESS 33kV Switch Room Arrangement
G007 A Auxiliary & Earthing Transformer Arrangement
G008 A Comms & DNO Feeder Pillar Arrangement
G009 A LV Auxiliary Switch Room Control Room & Welfare Unit Arrangement
G010 A EV Charge Point Arrangement
G012 A Water Tank Arrangement
G013 A Harmonic Filter Arrangement
P002 T Site Layout Plan
E001 C Site Elevations
E002 C Site Elevations with fencing
P003 C Cable Route Plan
SCP/230303/ATR03 Transport Statement swept path

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

3. The planning permission hereby granted shall be limited to a period of 40 years from the date when electrical power is first exported from the batteries to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason: To define the permission and in the interests of proper planning

4. No later than 6 months prior to the expiry of the planning permission, or within 6 months of the cessation of electricity storage and distribution by this facility, whichever is the sooner, a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to and approved in writing by the Local Planning Authority. The scheme of works shall include the following details:
 - i) a programme of works, including a timetable for their completion;

- ii) a method statement for the decommissioning and dismantling of all equipment and surfacing on site;
- iii) a Decommissioning Traffic Management Plan to address likely traffic impacts associated with the decommissioning;
- iv) details of any items to be retained on site;
- v) a method statement for restoring the land to agricultural use.
- vi) timescale for the decommissioning, removal and reinstatement of the land;
- vii) a method statement for the disposal/recycling of redundant equipment/structures.

The scheme of works shall be undertaken in accordance with the approved details and timescales. The Local Planning Authority shall be notified in writing of the date of the cessation of electricity storage by or distribution from the development within one calendar month of the event.

Reason: To ensure the satisfactory restoration of the site.

5. The Local Planning Authority shall be notified in writing within one month of the event that the development hereby approved has started to store or distribute electricity to/from the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 40 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.

Reason: In the interests of amenity and the character and appearance of the area.

6. Notwithstanding the details shown on the approved plans, no development shall commence on site until details of the materials, colour and finish of any built structures and containers, poles, fencing, gates etc., have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use and retained as such for the lifetime of the development.

Reason: To ensure an appropriate visual impact within this rural location.

7. Prior to the installation of battery storage units, the water tank shown on the approved drawing P002 T shall be installed, filled with water to capacity and made available for use. Thereafter, the water tank shall be maintained, filled with water to capacity and available for use throughout the lifetime of the development and until the battery containers are removed from the site. The water tank shall be green in colour externally, and details of the precise shade shall be submitted to and approved in writing by the Local Planning Authority prior to first installation and shall thereafter be installed and retained in the agreed colour.

Reason: To ensure adequate water supplies in accordance with National Fire Chiefs Council guidance 'Grid Scale Battery Energy Storage System Planning – Guidance for FRS' (2023) and to ensure an appropriate visual impact within this rural location.

8. In the event that contamination is found at any time when carrying out 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 be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with the approved scheme. 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.

9. The development hereby permitted shall be carried out in accordance with the noise technical note “Updated Noise Modelling Results for Battery Storage Facility, Mannington, Project No. 402.V08525.00022, by SLR Consulting Limited, dated 1st July 2024” to ensure a cumulative (all plant permitted by applications 3/21/0137/FUL and P/FUL/2023/06578) rating level of no more than 35dB *L_{ar,Tr}* at the nearest noise sensitive premises.

A noise validation report demonstrating compliance with the noise criteria shall be submitted to the LPA within 28 days of first operation and approved by the LPA. This assessment shall be conducted in accordance with BS4142:2014+A1:2019 ‘Methods for rating and assessing Industrial and Commercial noise’.

The approved noise mitigation matters shall thereafter be maintained for the lifetime of the development.

Reason: To protect neighbouring amenity.

10. The development hereby permitted shall not be commenced until such time as a final scheme to dispose of surface water for the battery storage area has been submitted to, and approved in writing by, the local planning authority. The scheme must include the pollution protection principles set out in the supporting Flood Risk Assessment & Surface Water Drainage Strategy by LDE (Issue No. R1(7), dated 22 March 2024). The final drainage designs should demonstrate that in the event of a battery fire, all firefighting effluent can be retained on site with no discharge to surface or ground water bodies. The scheme shall be implemented as approved.

Reason: To ensure that any potentially contaminated effluent in the event of a pollution incident does not pose an unacceptable risk to the water environment in line with paragraph 180 of the National Planning Policy Framework.

11. The development hereby permitted shall not be commenced until such time as a detailed method statement and emergency plan for pollution control in the event of, and remediation following, a battery fire incident has been submitted to and approved in writing by the local planning authority. The scheme shall include, but not necessarily be limited to:
- The pollution control methods used in case of a fire, such as how and when valves will be closed to ensure firewater is stored on site and ensuring there is sufficient capacity within the system
 - How and where contaminated surface water, materials and drainage infrastructure will be sampled, managed and remediated/replaced following a fire incident to ensure no contamination enters the environment when normal operation resumes
 - A verification plan providing details of the data that will be collected and provided in order to demonstrate that the works set out in the remediation strategy in are complete

The scheme shall be implemented as approved in the event of a fire incident and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: To ensure that the any potentially contaminated effluent does not pose an unacceptable risk to the water environment in line with paragraph 180 of the National Planning Policy Framework.

12. Prior to any areas affected by a potential pollution incident being brought back into use, a verification report demonstrating the completion of works set out in the approved emergency plan and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The relevant areas shall thereafter only be brought back into use following approval in writing by the Local Planning Authority.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved emergency plan have been met, in line with paragraph 180 of the National Planning Policy Framework.

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

Reason: To prevent pollution of the water environment in line with paragraph 180 of the National Planning Policy Framework

14. Prior to the commencement of development on the site, a Construction Environmental Management Plan (CEMP) (Biodiversity) must be submitted to and approved in writing by the local Planning Authority. The CEMP must include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs
- The development shall take place strictly in accordance with the approved CEMP.

Reason: To protect biodiversity during the construction phase.

15. The Biodiversity Plan (BP) dated 30.05.2024 shall be implemented in full in accordance with the specified timetable(s) in the BMP.

Reason: To minimise impacts on biodiversity.

16. No development shall take place until 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, has been submitted to, and approved in writing by the local planning authority. The strategy shall include details of any remedial works that may be required to the existing surface water drainage infrastructure, within land under control of the applicant. 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.

17. No development shall take place until details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should 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.

18. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP must be implemented in accordance with the approved details.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

19. Unless otherwise agreed by the Local Planning Authority, all new cabling between the Mannington Sub Station and here permitted Battery Storage Plant, shall be laid underground in accordance with the approved details.

Reason: In the interests of the visual amenity and landscape character of the area

20. Prior to the first use of the Battery Energy Storage System a 4m high acoustic fence shall be installed to southern, eastern and western side of the site in accordance with the P002 T Site Layout Plan. The fence shall thereafter be maintained and retained until such time that the use of the site ceases.

Reason: In order to protect the environmental amenities of the immediate locality.

21. Prior to the commencement of any development hereby approved, above ground level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of visual amenity.

22. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Impact Assessment dated November 2023, ref. no. RT-MME-161199-02-Rev D, setting out how the existing trees are to be protected and managed before, during and after development.

Reason: To ensure thorough consideration of the impacts of development on the existing trees

23. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- site operating hours
- 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
- location of construction site access
- 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
- a scheme of appropriate signing of vehicle route to the site
- general signage details
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary
- details of personnel car/van sharing to minimise vehicle movements

The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

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.

24. Before the development commences a scheme showing precise details of the design, specification and position of wheel washing facilities must be submitted to the Planning Authority. The scheme requires approval to be obtained in writing from the Planning Authority. The agreed facilities must be maintained in full working order for use throughout the duration of the development.

Reason: To prevent the likely deposit of loose material on the adjoining highway.

25. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number SCP/230303/D01, submitted within Transport Statement ref.no. 230303, dated November 2023, must be cleared/excavated to a level not exceeding 0.60 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.

26. Before the development is occupied or utilised the areas shown on Drawing Number P002 T Site Layout Plan, for the manoeuvring, parking, loading and unloading of vehicles must be surfaced, marked out and made available for these purposes. Thereafter, these areas 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 to ensure that highway safety is not adversely impacted upon.

27. Notwithstanding already submitted BESS Safety Management Plan dated April 2024, prior to installation of any battery storage units, a Risk Management Plan (RMP) and an Emergency Response Plan (ERP) shall be produced in conjunction with Dorset & Wiltshire Fire Rescue Services (DWFRS) and approved in writing by the Planning Authority. The RMP must provide advice in relation to potential emergency response implications and the ERP must be developed to facilitate effective and safe emergency response as per National Fire Chiefs Council (NFCC) Guidance.

The RMP/ERP shall be reviewed and updated throughout the BESS's lifespan to ensure it remains fit for purpose. In the event of an emergency the approved RMP and ERP must be complied with.

Reason: To minimise fire risks and to maximise Fire Rescue Services respond time and fire management in case of fire.

28. Water tank - Prior to the installation of battery storage units, the water tank shown on the approved drawing P002 T shall be installed, filled with water to capacity and made available for use. Thereafter, the water tank shall be maintained, filled with water to capacity and available for use throughout the lifetime of the development and until the battery containers are removed from the site. The water tank shall be green in colour externally, and details of the precise shade shall be submitted to and approved in writing by the Local Planning Authority prior to first installation and shall thereafter be installed and retained in the agreed colour.

Reason: To ensure adequate water supplies in accordance with National Fire Chiefs Council guidance 'Grid Scale Battery Energy Storage System Planning – Guidance for FRS' (2023) and in the interests of visual amenity.

Informative Notes:

1. Environment Agency (EA) recommend that battery energy storage sites have drainage systems which can be completely sealed in the event of a fire to contain all contaminated firewater within the site and ensure there is no discharge of polluted water to ground or surface water bodies. The final drainage scheme should include, but not necessarily be limited to, the impermeable lining underneath the gravel attenuation areas, lined attenuation ponds and infrastructure proposed in the drainage strategy, as well the suggested penstock which can be automatically closed and prevent contaminated firewater leaving the site via the proposed outfall. EA recommend an additional backup system be included in the event of a power failure. The drainage scheme should also demonstrate there is sufficient capacity to contain the expected volume of firefighting water in addition to any surface water within the system.
2. The submitted CEMP must 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.
3. 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.

4. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

Agenda Item 5

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

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

2.0 Summary of recommendation:

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

3.0 Reason for the recommendation:

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

4.0 Policy context

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

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

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

5.0 Description of Site

The C13 public highway at Dinah's Hollow runs approximately 300m in length north to south in a deep hollow to the north of Melbury Abbas and south of Cann Common. The woodland TPO covers a strip of land to the east and west of the road, protecting trees on the steeply sloping bank either side of the C13. The hollow has suffered a number of land slippages resulting in the highway being reduced to a single carriageway, controlled by traffic lights with concrete barriers running either side of the hollow to minimise future land slippages onto the carriageway. The banks either side of the highway have an incline of between 30 and 90 degrees.

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

6.0 Description of Proposed Works

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

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

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

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

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

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

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

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

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

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

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

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

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

7.0 Relevant Planning History

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

8.0 List of Constraints

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

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

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

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

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

Neighbouring Local Authority - Wiltshire - Distance: 736.39

Parish Councils - Melbury Abbas CP and Cann CP

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

Environment Agency - Groundwater – not susceptible to flooding;

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

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

Cranborne Chase National Landscape (formerly AONB)

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

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

Flood Zone 2 and 3

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

Flood Risk Zone 3a and 3b

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

Minerals and Waste Safeguarding Area and Building Stone

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

9.0 Consultations

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

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

Consultees

Melbury Abbas and Cann Group Parish Council – comments received

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

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

Representations received

Cranborne Chase National Landscape

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

CPRE

The CPRE has objected to the application on a number of grounds including: impact on ecology (bats, dormice, great crested newts, trees, root protection areas and flora); impact on drainage; lack of visual impact assessment; the need to look at

alternative options to the proposed soil mesh and soil nails, impact on cultural heritage of Melbury Abbas and; conflict with the Council's Climate Change and Environmental policies.

Other representations received

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

Expert officer comments

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

Landscape

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

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

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

Ecology

The response notes that the application does not include information regarding ecological assessment. As a rule, protected species and priority habitats are treated

as a material consideration in the planning process, as outlined in DEFRA Circular 01/2005.

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

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

Heritage

The response confirms that there are no built designated heritage assets identified within the immediate extent of the application site so proposals are not considered to impact directly on the fabric of any assets. An assessment has been undertaken to consider the impact on the significance of Spring Cottage, Grove Farmhouse and the Glyn Arms. Based on the applications supporting plans, the response concludes that the proposals will lead to no harm on heritage grounds.

Other issues raised

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

- Need to show that alternative methods have been considered for the project. Electro Kinetics may be a more practical and cost-effective method. Unsuitability of the Upper Greensand geology for proposed scheme.
- Drainage issues including: mitigation to prevent silt, erosion, road pollution and agricultural runoff from entering the drains and river; mitigation to prevent storm surge flooding houses; and the impact of installing a main carrier drain down the centre of the C13 on run off and flooding. Impact of new drainage on adjoining areas including fisheries and springs.
- Will the pond have a SUDS or be connected to the carrier drain in the road? Why will it be necessary to dredge the proposed settlement pond annually?
- Mitigating the loss of important habitat for rare bats, dormice, great crested newts and badgers by transferring them to alternative sites is unlikely to be successful. There is no evidence of any biodiversity gain in this scheme.
- Impact of undertaking the work on adjoining roads when C13 is closed
- Proposal to plant with native grasses is inappropriate in a woodland

- Dinah’s Hollow should not be compared with Beaminster
- Object to spending public money on this scheme
- No seismology reports have been undertaken – further felling and vibrations from large vehicles using the road may lead to further erosion

10.0 Duties

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

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

11.0 Relevant Policies

Development Plan

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

Material Considerations

The Dorset Council Local Plan

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

Emerging Neighbourhood Plans

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

National Planning Policy Framework (NPPF)

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

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

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

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

NPPF Glossary: Setting of a heritage asset and the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral (NPPF, Annex 2: Glossary).

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

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

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

Policy 5 of the North Dorset Local Plan

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

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

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

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

ODPM Circular 06/2005 & DEFRA Circular 01/2005

Wildlife and Countryside Act 1981

Other material considerations

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

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

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

14.0 Financial benefits

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

15.0 Natural Environment, Climate and Ecology Implications

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

16.0 Assessment of the application

Landscape

The site lies outside a defined settlement in the open countryside which is designated for its landscape quality as a National Landscape. At Cabinet on 9th July, the Council considered government guidance to local authorities in relation to the

section 85 duty. This states that the requirement to have regard to conservation and enhancing natural beauty will not override particular considerations which have to be taken into account by relevant authorities in carrying out any function, but is intended to ensure that the purpose for which National Landscapes have been designated is recognised as an essential consideration in reaching decisions or undertaking activities impacting upon a National Landscape.

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

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

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

Ecological issues

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

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

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

It is therefore proposed that a staged process is undertaken. Surveys already undertaken have indicated the need to apply for protected species licences, which will be obtained prior to the works being undertaken. As the consent for the tree works is required to commence the process for the Compulsory Purchase Order, it is proposed that the requirement for protected species licences is conditioned as being

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

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

Heritage

Spring House (a grade II listed building) lies at the southern end and outside the boundary of the TPO. Whilst it will not be directly affected by proposed tree works, an assessment has been undertaken on the potential impact on the setting of the listed building in the short term following works. The National Planning Policy Framework states that great weight must be given to heritage assets. The Conservation consultation response concludes that the scheme has been clearly and convincingly justified and that overall the scheme will result in no harm to the setting of the listed building.

Other issues

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

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

Proposed removal of trees and impact on amenity

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

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

A total of 80 of the 224 trees standing on the hollow are to be removed, some to facilitate the engineering works but others for good management. All but trees T115

(Oak), T119, T122 (Acer) T80, T158, T159, T162, T172 (Ash), are suppressed or juvenile trees with stem diameters of between 10 and 25cm.

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

38 of the 224 trees (Hazel, Ash and Acer) are to be coppiced (re-coppiced in the case of the Hazel), which is deemed good Arboricultural practice. This will aid implementation of the engineering works and the coppicing will prevent the stools splitting apart in the future and encourage new vigorous regrowth.

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

It is accepted that local feeling is high in respect to the stabilisation work and associated tree work, as there will be an immediate impact on the enclosed feel of Dinah's Hollow. This will be relatively short term as it is anticipated that ground cover natural regeneration will soften the immediate impact of the engineering works quickly and regeneration of coppice stools will follow, restoring the hollow to approaching its former cover.

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

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

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

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

17.0 Conclusion

The proposed tree works lie within the Cranborne Chase National Landscape and it is recognised that these would have a localised and significant adverse landscape and visual impact, involving the felling of 80 trees (out of the 224 trees in total).

However, it is considered that this impact would gradually be reduced when coppiced trees regenerate and ground flora becomes more established. The scale and extent of the works are limited and it is unlikely that the landscape and scenic beauty of the wider Cranborne Chase National Landscape would be significantly adversely affected.

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

Officers have had regard to the information provided by the applicant which confirms that alternative (and more harmful) schemes have been considered and discounted, and which provides the justification for the highway scheme, including the need to stabilise the slope, improve road safety, and afford highway protection from future landslides. This has significant public safety benefits. It is also noted that arboricultural management as part of the proposal, as well as the stabilisation works, will benefit those trees to be retained onsite. Furthermore, the Council's duty to seek to further the purpose of conservation and enhancing the natural beauty of the National Landscape does not override the Council's legal obligations as a Highways Authority under the Highways Act 1980.

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

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

18.0 Recommendation

Grant the tree works application subject to the following conditions:

- Works may only be carried out directly in advance of, and in conjunction with the Dorset Council Dinah's Hollow Slope Stabilisation project.
- Work to be undertaken in accordance with BS 3998:2010 Tree works – recommendations, BS 5837: 2012 Trees in relation to design, demolition and construction and the Wildlife and Countryside Act 1995.
- Any works identified in addition to the works outlined in the Arboricultural Impact Assessment and Arboricultural Method Statement dated 14th August 2024 will be subject to a further application.
- The tree works shall be undertaken in accordance with the Dorset Council Impact and Arboricultural Impact Assessment and Arboricultural Method Statement dated 14.08.2024 and combined tree works plans 1 and 2 August 24.
- This consent is given only in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England)

Regulations 2012. It does not override any other statutory or non-statutory controls which may exist; you and/or your agent are responsible for compliance with any other relevant legislation. Wildlife and habitat controls are administered by Natural England who can be contacted on 0300 060 3900. It is an offence under the Wildlife and Countryside Act 1981 to disturb roosting bats, nesting birds or other species protected by this Act. All required licences must be in place prior to work commencing.

- All work to be carried out in its entirety within five years of the date of this decision.

Informative:

National Planning Policy Framework Statement In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by: - offering a pre-application advice service, and - as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this case: - The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

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