

# THE DORSET COUNCIL (BLANDFORD FORUM WASTE FACILITY) COMPULSORY PURCHASE ORDER 2023

## The Local Government Act 1972

## The Local Government (Miscellaneous Provisions) Act 1976

## The Environmental Protection Act 1990

## and the Acquisition of Land Act 1981

Dorset Council (in this order called 'the acquiring authority') makes the following order —

1. Subject to the provisions of this order, the acquiring authority is under section 121 of the Local Government Act 1972 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 hereby authorised to purchase compulsorily the land and new rights over land described in paragraph 2 for the purpose of the provision of facilities for the deposit and disposal of waste collected in the acquiring authority's area under the section 51 of the Environmental Protection Act 1990.
2. (1) The land authorised to be purchased compulsorily under this order is the land described in the Schedule and delineated and shown coloured pink on the map prepared in duplicate, sealed with the common seal of the acquiring authority and marked "Map 01 referred to in the Dorset Council (Blandford Forum Waste Facility) Compulsory Purchase Order 2023".  
  
(2) The new rights to be purchased compulsorily over land under this order are described in the Schedule and the land is shown coloured blue on the said map.

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**Table 1**

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - Name and Address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
1	All interests (excluding mines and minerals and any interest in the rights of Scottish and Southern Electricity Networks) in 33,544 square metres or thereabouts of the land and property known as land lying to the north of Salisbury Road, Pimperne, Blandford Forum.	THOMAS RICHARD BUTLER-STONEY of Burwood Hall, The Street, Mileham, King's Lynn PE32 2RA and JONATHAN ROBERT LAKE of The Coach House, Casterton, Carnforth LA6 2LA.	-	-	-
2	All rights of access and occupation during the construction period including workmen, vehicles, plant and equipment to construct and utilise a secure works compound for the	THOMAS RICHARD BUTLER-STONEY of Burwood Hall, The Street,	-	-	-

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	storage of plant, equipment, materials and welfare unit in 17,601 square metres or thereabouts of the land and property known as land lying to the north of Salisbury Road, Pimperne, Blandford Forum for the purposes of constructing a waste management facility.	Mileham, King's Lynn PE32 2RA  and  JONATHAN ROBERT LAKE of The Coach House, Casterton, Carnforth LA6 2LA.			
3	All rights of access and occupation including workmen, vehicles, plant and equipment to construct and utilise a secure works compound for the storage of plant, equipment, materials and welfare unit in 2,040 square metres or thereabouts of the land and property known as land lying to the north of Salisbury Road, Pimperne, Blandford Forum for the purposes of constructing of a waste management facility; and all rights of access including workmen, vehicles, plant and equipment for the	THOMAS RICHARD BUTLER-STONEY of Burwood Hall, The Street, Mileham, King's Lynn PE32 2RA  and  JONATHAN ROBERT LAKE of The Coach House, Casterton, Carnforth LA6 2LA.	-	-	-

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	management and maintenance of the adjoining tree belt.				
4	All rights of access to plant, landscape and thereafter maintain landscaping and planting in 66 square metres or thereabouts of the land and property known as land lying to the north of Salisbury Road, Pimperne, Blandford Forum.	<p>THOMAS RICHARD BUTLER-STONEY of Burwood Hall, The Street, Mileham, King's Lynn PE32 2RA</p> <p>and</p> <p>JONATHAN ROBERT LAKE of The Coach House, Casterton, Carnforth LA6 2LA.</p>	-	-	-

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Table 2

Number on map	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (6)	
	Name and Address	Description of interest to be acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
1	-	-	Lewis Wyatt (Construction) Limited of 1, Parkstone Road, Poole, Dorset BH15 2NN.	The beneficiary of an Option Agreement dated 3 August 2018 made between (1) Thomas Richard Butler-Stoney and Jonathan Robert Lake (2) Charles Coats and Timothy Coats and (3) Lewis Wyatt (Construction) Limited.  The Option Agreement affects the land tinted pink on the title plan and is protected by a restriction on the title.
			Unknown	A restriction on title protects an Agreement dated 3 August 2018 and made between (1) The West Pimperne Pool Trust and (2) Charles Coats and Timothy Coats.
			Unknown	There is an application pending at the Land Registry submitted by Kernon Kelleher Solicitors.
			The West Pimperne Pool Trust	The property is held on Trust for The West Pimperne Pool Trust.
			O & J House Limited (and successors)	The right to lay, construct and thereafter use a sewer, together with ancillary rights of access to maintain the same as contained in a Deed dated 11 January 1985.

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	Name and Address	Description of interest to be acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
			(The benefiting land is the development adjoining the north-west boundary of the Property shown edged blue on the plan extracted below)	
			Scottish & Southern Electricity Networks of Inveralmond House, 200 Dunkeld Road, Perth, PH1 3AQ	Utility Infrastructure - Electricity Cable in upper north of Property
2	-	-	Unknown	There is an application pending at the Land Registry submitted by Kernon Kelleher Solicitors.
			The West Pimperne Pool Trust	The property is held on Trust for The West Pimperne Pool Trust.
3	-	-	Unknown	There is an application pending at the Land Registry submitted by Kernon Kelleher Solicitors.

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			The West Pimperne Pool Trust	The property is held on Trust for The West Pimperne Pool Trust.
4	-	-	Lewis Wyatt (Construction) Limited of 1, Parkstone Road, Poole, Dorset BH15 2NN.	The beneficiary of an Option Agreement dated 3 August 2018 made between (1) Thomas Richard Butler-Stoney and Jonathan Robert Lake (2) Charles Coats and Timothy Coats and (3) Lewis Wyatt (Construction) Limited.
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**THE DORSET COUNCIL (BLANDFORD FORUM WASTE FACILITY) COMPULSORY PURCHASE ORDER 2023**

**Dorset Council**

**Local Government Act 1972**

**Local Government (Miscellaneous Provisions) Act 1976**

**Environmental Protection Act 1990**

**and**

**Acquisition of Land Act 1981**

**Dorset Council (Blandford Forum Waste Facility) Compulsory  
Purchase Order 2023**

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**Statement of Reasons of the Acquiring Authority**

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# THE DORSET COUNCIL (BLANDFORD FORUM WASTE FACILITY) COMPULSORY PURCHASE ORDER 2023

## 1 INTRODUCTION

- 1.1 This is the Statement of Reasons of Dorset Council (“the **Council**”) for making the Dorset Council (Blandford Forum Waste Facility) Compulsory Purchase Order 2023 (“the **Order**”). This is a non-statutory statement provided in accordance with section 12 of the guidance most recently issued by the Ministry of Housing, Communities and Local Government in July 2019 on the compulsory purchase process and the Critchell Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion (“the **Guidance**”).
- 1.2 The Order is made pursuant to Section 121 of the Local Government Act 1972 (“the **1972 Act**”), section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981. The Order was made for the purposes of the provision of a waste management centre for the deposit and disposal of waste collected in the acquiring authority’s area in accordance with the duty imposed by section 51 of the Environmental Protection Act 1990 (“the **1990 Act**”). The land (and new rights) the subject of the Order is described in section 2 below but broadly speaking comprises an agricultural field to the southeast of the existing Sunrise Business Park and north of the A350 Blandford Bypass, Blandford Forum (“the **Order Land**”).
- 1.3 On 5 April 2022 the Council in its capacity as local planning authority granted full planning permission for the development of a waste management centre for the bulking and transfer of waste and recyclables, comprising a covered waste transfer station, with waste storage, sprinkler tank and pump house, and a split-level household recycling centre with vehicle unloading bays and partially covered central yard, a dedicated 're-use centre', WEEE storage building, office building, staff parking area, weighbridge and associated landscaping and formation of new access from A350 under reference PO/DCC/2021/01597. On 24 February 2023, a consent was granted under section 73 of the 1990 Act to amend conditions of that permission, under reference P/VOC/2022/0639. It is this section 73 consent that will be implemented (“the **Development**”).
- 1.4 On 20 June 2023, the Council’s Cabinet resolved to use powers of compulsory acquisition if any land or rights required for the delivery of Development could not be acquired through negotiation. On 7 November 2023... [update with second meeting].

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- 1.5 The Order has been made and will be submitted to the Secretary of State for confirmation, as it is considered that there is a compelling case in the public interest which justifies interference with the existing private rights on the Order Land.

### 2 DESCRIPTION OF ORDER LAND

- 2.1 Details of the known interests and rights to be acquired are listed in the schedule to the Order (“the **Schedule**”). The Schedule has been prepared from information gathered through Land Registry documents, formal requests for information, searches, and site inspections. The Order Land has been carefully delineated to ensure that only what is required to facilitate the Development has been included. Plots coloured blue indicate the creation of new rights. Those coloured pink indicate land acquisition.
- 2.2 The Order Land is situated to the north of Blandford Forum, and northeast and adjacent to the A350, and is to the southeast of the Sunrise Business Park. It is 5.33ha of arable land comprising a single field with its boundaries indicated by hedgerows.
- 2.3 Plot 1 comprises part of the field, and the tree belt on the northern and eastern boundaries of the field, together comprising circa 33,554sqm, are being acquired on a freehold ‘all interests in’ basis but for any interests of Scottish and Southern Energy.
- 2.4 The remaining plots 2 to 4, the blue coloured plots, indicate where rights are to be created over the existing field. In terms of the rights to be created:
- 2.4.1 Plot 2 rights (over circa 17,601sqm) are required for access to and the establishment of a construction compound required for the Development.
- 2.4.2 Plot 3 (circa 2,040sqm) rights are required for access to the construction compound and rights of access to the tree belt described above so that it can be retained, managed, and maintained.
- 2.4.3 Plot 4 (circa 66sqm) rights are required for access to a small area of land for the purpose of planting and landscaping, and maintenance thereafter.

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- 2.5 The Order Land is currently accessed by a gate leading off the A350, located 250m or thereabouts east of the Sunrise Business Park roundabout. Gated access is also available from Higher Shaftesbury Road. The Order Land is level but slopes gradually from northwest to southeast.

### 3 THE DEVELOPMENT

- 3.1 As introduced above, the Development will comprise a waste management centre including:

- 3.1.1 a waste transfer station which will receive and prepare for onwards transfer waste collected from the kerbside collections (recyclables, garden waste and 'black bag' residual waste, food waste).
- 3.1.2 a household recycling centre where the public will be able to deposit unwanted items. For this, a row of vehicle unloading bays will enable cars to park adjacent to a central yard. Waste containers would be within the yard, within large sunken container bays accessed via jetties, partially under a canopy which covers the pedestrian area. This is to enable householders to deposit waste down into the containers without needing to climb steps.
- 3.1.3 a building for storing waste electrical and electronic equipment.
- 3.1.4 a building for the sale of reusable items; and

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- 3.1.5 a weighbridge and staff parking area.
- 3.2 The Development will be accessed from the A350 via new junction to be formed at the southeastern corner of the Order Land. This access will accommodate operational and public vehicles. Once in place, access will be from the left only, with egress also a left turn arrangement only.
- 3.3 As part of the Development, new and enhanced screening will be installed around the perimeter of the waste management centre including new native hedgerow species planted along the west and southern boundaries and a new hedgerow along the new access road. Mixed native woodland planting is proposed that will wrap around the Development to create new woodland and visual screening.
- 3.4 There are two existing tree belts on the Order Land along the north and eastern boundaries. Whilst outside of the operational area for the new facility, they are to be managed by the Council to ensure they are maintained and enhanced as important landscape features which minimise visual impacts, hence their inclusion in the Order Land together with new rights to access the same for management and maintenance.
- 3.5 The capacity of the facility will be up to 30,000 – 35,000 tonnes per annum (tpa) in total. The transfer station will amount to most of this capacity with an annual throughput of 24,000 to 29,000 tpa.
- 3.6 As described in more detail in the section below, the Council has granted the Permission, removing a key impediment to the delivery of the Development.

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### 4 THE PLANNING POSITION

- 4.1 As stated above, on 24 February 2023 the Council in its capacity as local planning authority granted a consent under section 73 of the 1990 Act (modifying conditions of a previous full permission to add an air handling unit) for the Development under reference P/VOC/2022/0639 (“the **Permission**”).
- 4.2 The Development Plan comprises: the Bournemouth, Christchurch, Poole, and Dorset Waste Plan (2019) (‘the **Waste Plan**’), the North Dorset Local Plan (2016) and the Blandford + Neighbourhood Plan (2021).
- 4.3 The relevant policies of the plans that make up the Development Plan are listed at paragraph 8.2 of the officer’s report into the planning application that led to the grant of the Permission.
- 4.4 Also relevant are national policies as set out below but chiefly in the form of the National Planning Policy Framework (last revised on 20 July 2021) (‘**NPPF**’).
- 4.5 The officer’s report to planning committee deals in detail with the specific policies at both a strategic and development management level, the assessment of which led to the grant of the Permission. Highlighted in this section are those policies and plans that lend support to the principle of the Development and what it is seeking to achieve.

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### National Policies and Plans

- 4.6 The NPPF sets out the national planning policy for England. It sets out the presumption in favour of sustainable development, and at paragraph 8 provides three objectives that are overarching for the planning system, and which describe what sustainable development is, ascribing to it an economic role, a social role, and an environmental role. This is then followed by paragraph 11 which sets out the presumption in favour of sustainable development.
- 4.7 Together these parts of the NPPF are designed to support new sustainable development. The Development will clearly provide a well-designed and modern facility which will enable the Council to meet its duties as regards waste deposit and disposal, with the services provided by facility being easily accessible by the public (paragraph 8(b) of the NPPF – social objective). In terms of the economic objectives in the NPPF, the Development is the output of the need identified in the Waste Plan for such infrastructure and will provide a new facility on a site large enough to accommodate the Development. The facilities provided by the Waste Management Centre will promote the environmental objectives at paragraph 8(c) of the NPPF by minimising waste and promoting recycling. Paragraph 38 of the NPPF then provides that in decision making, local planning authorities should work with applicants to secure developments that improve the economic, social, and environmental conditions of its area, and should approve application for sustainable development where possible. This is what the Council has done by granting the Permission.
- 4.8 Section 6 of the NPPF concerns building a strong and competitive economy. Paragraph 81 directs that significant weight should be given to the need to support economic growth and productivity. The Development does this by improving the Council's waste infrastructure, replacing an existing household waste recycling centre with a modern facility.



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- 4.9 Part 9 of the NPPF concerns the promotion of sustainable transport and explains at paragraph 104(a) and (e) that transport issues should be considered at an early stage of proposals so that potential impacts can be addressed and that transport considerations become an integral part of the design of schemes and contribute to making high quality places. Paragraph 110 of the NPPF explains that in assessing sites (whether for allocation or for determination of applications), planning authorities should ensure that safe and suitable access can be achieved for all users, and any significant impacts can be mitigated to an acceptable degree. Paragraphs 111 and 113 add that development should only be refused on highway grounds if there is an unacceptable impact on highway safety or residual cumulative impacts on the road network would be severe. The Development complies with these parts of the NPPF. The Highway Authority were satisfied with the access approved by the Permission, and that the highways infrastructure works proposed sufficiently mitigated the impacts of the Development. The Highway Authority also concluded that the transport assessment submitted with the planning application for the Development was robust, as set out in the planning officer's report to committee.
- 4.10 Section 14 of the NPPF addresses climate change, and paragraph 169 requires that major developments incorporate sustainable drainage systems (SUDs), which the Development does.
- 4.11 Section 15 of the NPPF is directed towards conserving and enhancing the natural environment. Paragraph 174 explains that decisions should protect and enhance valued landscapes, recognise the intrinsic character and beauty of the countryside, provide net gains for biodiversity, and wherever help to improve local environmental conditions. Part (e) of that paragraph states that development should, wherever possible, help to improve local environmental conditions such as air and water quality. As above, the Development incorporates SUDs in its design, and the planning application was accompanied by a drainage strategy to control the water discharge rate from the Development. Surface water runoff will be subject to treatment via several measures including interceptors and separators. The lead local flood authority raised no object to the Permission subject to planning conditions being imposed (which were).

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- 4.12 As the Development is situated in the Cranborne Chase Area of Outstanding Natural Beauty ('AONB'), paragraphs 176 and 177 of the NPPF are relevant. The former provides that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONBs, adding that the scale and extent of development within such areas should be limited. Paragraph 177 provides that when consideration planning applications in such area's permission should be refused for major development except in exceptional circumstance and where development is in the public interest. Consideration should include an assessment of (a) the need for the development (b) the cost of and scope for developing outside the designated area or meeting need in another way, and (c) any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that can be moderated.
- 4.13 In terms of paragraph 177(a), as summarised in the officer report to planning committee, the need for the Development is well established through the allocation of the Order Land in the Waste Plan, and the documents submitted with the planning application that led to the Permission set out the need for the facility in full, including the reasons why the existing facility is in need of replacement, and why replacement on the existing site is not the preferred option. These reasons include the small footprint of the existing site as against the need to increase the throughput of waste and visitors, poor and compromised access which does not allow separation of public and operational vehicles, the general poor condition of the existing facility, inadequate drainage leading to pooling of leachate, and pressure on space causing cross contamination of waste streams. As the existing facility is operating beyond its effective capacity there is no 'band width' for emergencies, and allied to this there is no security of tenure.
- 4.14 Paragraph 177(b) is addressed at page 23 of the officer report to committee, which notes that "*a full assessment of possible site options around Blandford for WMC (Waste Management Centre) was undertaken throughout the preparation of the Waste Plan*" (para 9.34). Other sites within Blandford were discounted for various reasons, including inadequate size and potential adverse amenity impacts. Of those around Blandford, the Order Land was found to have the least landscape and visual impact on the AONB.

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- 4.15 As regards Paragraph 177(c), an analysis of potential detrimental impacts is contained in the officer report, which notes that the planning application included a landscape and visual impact assessment and an environmental statement, and that the planning application considered the management plan for the AONB. Whilst detrimental impacts were identified, the mitigation measures provided in the Development would reduce those impacts and the Development was found to have satisfied paragraph 177(c) of the NPPF (and the related Waste Plan policy).
- 4.16 Paragraph 180 of Part 15 of the NPPF adds that planning permission should be refused where significant harm to biodiversity cannot be avoided, adequately mitigated, or compensated for. The Development was the subject of a Habitat Regulations Assessment, and this concluded that there would not be significant effects on the integrity of European and Ramsar sites. Further, the Development's ecological impact assessment found that there would be a low and only short-term impact on the site's ecological receptors. The planning officer concluded in their report to committee that considering the mitigation and enhancement proposed by the Development which includes:
- 4.16.1 replacement planting
  - 4.16.2 biodiversity enhancement through creation of a wildflower meadow, native planting, ponds, and a swale
  - 4.16.3 the management of ecology through a landscape and ecological management plan (LEMP)
  - 4.16.4 the securing of the Development's biodiversity plan by a planning condition imposed on the Permission.

the Development would not have an unacceptable impact on biodiversity and would comply with paragraph 180 of the NPPF.

- 4.17 Section 16 of the NPPF addresses conserving and enhancing the historic environment. Paragraph 194 advises that planning authorities should require applicants to describe what the impact of their development will be on heritage assets, and that the level of detail required should be

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proportionate, and paragraph 195 that local planning authorities should take into account the particular significance of any heritage asset that may be affected by a proposal so as to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 4.18 Paragraph 197 of the NPPF (2021) states that '*in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.*'
- 4.19 Paragraphs 199 to 205 of the NPPF then consider how authorities should consider the potential impacts of proposals on heritage assets, with 'great weight' being given to the conservation of assets, irrespective of the level of harm.
- 4.20 A heritage assessment was carried out as part of the Development as described in paragraph 9.150 of the planning officer's report to committee. This concluded, in relation to designated conservation areas, listed buildings and schedule monuments, that there would be no unacceptable impacts, and this was a conclusion that the Council and the Council's conservation officer agreed with. In terms of non-designated heritage assets, substantial harm was identified due to the loss of an enclosed Iron Age farmstead with adjacent field system. However, a written scheme of investigation formed part of the planning application and archaeological work are secured by planning condition which will mean the recording and publication of any findings. The need for the Development, and the proposed planning condition securing the archaeological scheme justify the harm to the non-designated heritage asset.

### National Planning Policy for Waste (2014)

- 4.21 The National Planning Policy for Waste (2014) published 16 October 2014 ('**NPPW**') sets out how the planning system can help deliver more sustainable and efficient resource utilisation. Broadly, the NPPW states that "*positive planning plays a pivotal role in delivering this country's waste ambitions.*" This development satisfies the requirements of the NPPW by delivering a sustainable development which will update and modernise infrastructure and improve waste management in line with the waste hierarchy including provision of appropriate segregation facilities. Waste will be better sorted with opportunities for saleable items to be reused and materials recovered. The site has several environmental enhancement design features which have been incorporated into the Permission to reduce harms to the environment.

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- 4.22 Section 4 requires waste planning authorities to identify suitable sites and areas for waste management facilities in their Local Plans. The Waste Plan was produced in accordance with this and is discussed in more detail below.
- 4.23 Section 5 paragraph 7 sets out the factors that waste planning authorities should consider when determining applications. In this case, the Permission considers the likely impact on the local environment and amenity in line with Appendix B which in turn sets out the Location Criteria for potential sites which include: namely: protection of water quality and resources and flood risk management; land instability; landscape and visual impacts; nature conservation; conserving the historic environment; traffic and access; air emissions, including dust; odours; vermin and birds; noise, light and vibration; litter; and potential land use conflict).
- 4.24 As previously set out in this statement there are several environmental features built into the design of the facility including landscaping and introduction of biodiversity enhancement such as the swale which also comply with the requirements of the NPPW.
- 4.25 Section 5 paragraph 7 also requires that waste management facilities should be well designed. The Permission achieves this by minimising the volumetric elements of the design such as by placing the HRC (Household Recycling Centre) Canopy and office against the transfer barn. The lower-level areas including the low-level canopy also will not be visible from the bypass so that they do not detract from the character or quality of the area. The buildings will also be coated in vertical timber cladding to help them blend in with other local agricultural buildings.
- 4.26 Section 5 paragraph 7 emphasises that the role of the waste planning authority is to consider the implementation of the Local Plan and not the control of processes which are a matter for pollution control. There is a presumption in the NPPW that the relevant pollution control regime will be properly applied and enforced.

## Local Policies and Plans

### The Bournemouth, Christchurch, Poole, and Dorset Waste Plan (2019)

- 4.27 The Waste Plan was adopted by the Council in 2019 in line with part 4 of the NPPW.
- 4.28 As set out above, section 4 of the NPPW requires waste planning authorities to identify sites for new facilities. The Waste Plan identifies the majority of the Order Land as the location for a waste management site in line with this policy. This therefore makes the development acceptable in principle as it is in line with the development plan.
- 4.29 A full assessment of potential site options was undertaken to produce the Waste Plan. This assessment concluded that the Permission site had the least visual amenity impact despite its AONB location. This site was also chosen due to its size for facilitating a combined waste management facility in line with the NPPW when compared to potential alternative sites in the area.
- 4.30 Policy 1 covers sustainable waste management including compliance with the underlying principles of the Waste Plan being the Waste Hierarchy, Self Sufficiency and the Proximity Principle. This site is a good proximity to serve the former North Dorset area and onward transmission of waste from the site. The DPolicy 3 'Sites allocated for waste management development – Inset 2' allocates the majority of the Order Land for use as a waste management centre. This includes 10 development considerations which the application for planning addressed. Policy 3 also requires that an allocated site proposal will be permitted where they satisfy the inserts 1-12 and that they meet the following

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criteria: Compliance with the Waste Plan policies, satisfactory consideration of the Development Considerations, no unacceptable cumulative impact from the development and that possible effects of the development will not adversely impact integrity of European and Ramsar sites.

- 4.31 There would be no cumulative impact as this facility is a replacement of the existing Blandford waste management centre and there are no other waste management facilities in proximity to the site. The other particularly relevant policies and development considerations and impact on European and Ramsar sites are set out separately in this statement of reasons and as a result the development therefore complies with the development plan.
- 4.32 The application is supported by an external lighting assessment, satisfying Waste Plan Inset 2 development consideration 1 (a), which sets out how it is proposed to avoid obtrusive light spill into the AONB. The scheme proposes to ensure that the external artificial lighting is kept to an absolute minimum during the hours of darkness and that only areas of use would be lit up, whilst all other areas remain dark. External lighting would only be in operation between 7am and 7pm in line with operational hours.
- 4.33 The planting proposals and submitted softworks plan satisfy Waste Plan Inset 2 development consideration 1 (c) and the LEMP satisfies Waste Plan Inset 2 development consideration 2.
- 4.34 Development Consideration 2 requires preparation of a comprehensive LEMP. The LEMP secures management of ecology on the Order Land for a 25-year period and allows for it to be reviewed every 5 years. This requirement is therefore satisfied.
- 4.35 Development Consideration 6 requires that a plan be prepared for managing soils and excavation of waste to minimise visual impact and topsoil is only used where required in planted areas if needed by landscape proposals. Waste Plan policy 16 (c) and (d) also stipulates that site soils should be adequately protected reused or improved and that there should not be a loss of the best and most versatile agricultural land unless the social/economic benefits outweigh the loss and highest grades of land were avoided whenever possible. The LEMP includes methods and specification for soil retention and how to minimise damage to topsoil. The Permission also requires at Condition 8 that prior to commencement of development a soil management plan needs to be produced in accordance with the Construction Code of Practice for the Sustainable Use of Soils on Construction sites” (Defra, 2009) and “BS3882:2007 Specification for topsoil and requirements for use”. Condition 27 further sets out that no soil shall be imported to the site without being tested for contamination and suitability. Soil management is therefore

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incorporated into the scheme in satisfaction of the Waste Plan. In addition, there will be no loss of best and most versatile agricultural land. There therefore will not be an unacceptable impact to soils at the site.

- 4.36 Development Consideration 7 relates to using archaeological evaluation to review any possible prehistoric enclosures and inform the application. The Permission included an assessment of the potential historical impacts and trench evaluation as set out in this report at 4.20.
- 4.37 Development Consideration 8 requires that paragraph 172 of the NPPF is met. For the reasons set out previously in this Statement of Reasons this consideration is therefore satisfied.
- 4.38 Development Consideration 9 mandates hydrological and contamination land risk assessments and a drainage strategy should be undertaken and in place. Waste Plan policy 16 (a) also requires that the quality and quantity of water resources should not be adversely impacted and/or adequately mitigated. Wessex Water and the Environment Agency were consulted during the application phase of the Permission. An important drinking water aquifer was identified, and it was confirmed that there is a robust sequence of measures to protect the source protection zones. If these fail, a Hydrological Risk Assessment confirmed that there was no risk to this supply. Policy 16 and consideration 9 are therefore satisfied.
- 4.39 Development Consideration 10 requires a transport assessment including any impact on the AONB of HGV movements and how these would be managed. HGV movements were considered when granting the Permission and concluded that as the site is a replacement site there would only be a small number of additional HGVs per weekday on the primary road network and that this would therefore have a negligible impact on the tranquillity of the AONB. This assessment therefore addresses consideration 10.
- 4.40 Policy 5 covers facilities to enable the recycling of waste and sets out that planning permission will be granted where a development supports the delivery of the Spatial Strategy and contributes to the needs of the Waste Plan. The Waste Plan identified the need for the new waste facility in the area and the Spatial Strategy set out the need to improve and relocate existing and unsuitable facilities. As the majority of this site was also allocated through Policy 3 Insert 2 the Development satisfies this policy requirement.
- 4.41 In addition, Policy 5 (b) and Policy 1 cover the need for supporting sustainable waste management through the waste hierarchy. This facility will move waste up the waste hierarchy by providing facilities to receive and process recyclables and food waste as well as residual waste. Recycling of WEEE and green waste would also be possible. The inclusion of a re-use sales building also provides facilities for moving waste up the hierarchy which also satisfies Policy 5 (g).



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- 4.42 Policy 5 (c), (f) and (h) are satisfied by the separate circulation of operational and consumer vehicles which allows for improved flow of traffic and better safety. There will also be interpretation boards on site. Finally, the inclusion of an enclosed transfer facility means that these parts of Policy 5 are also met by the Development.
- 4.43 Policy 12 relates to transport and access and requires a transport assessment or transport statement as appropriate to consider safe access to the site and ensure there is provision in the local transport network to mitigate or compensate for any adverse impacts to the safety, capacity and use of the network. Lorries should have a direct access or link through the Dorset Advisory Lorry Route Network. The site will have a one-way system and only permit left hand turns out of the site from a new junction from the A350. As a result, the design satisfies policy 12.
- 4.44 Policy 13 is in respect of amenity and quality of life and includes the need to avoid or mitigate adverse impacts on amenity including noise and vibration, odour, litter and vermin etc. There will be a site management plan to control these factors and this is secured by condition. An odour assessment was carried out and it was found that the closest sensitive receptor would be 280m from the site and is not downwind and overall odour amenity was therefore found not to be affected. Similarly, there was also a noise report undertaken which concluded a low risk of complaints. Other assessments included dust, emissions, transport, and the impacts of the development were overall found acceptable. For the reasons set out in this Statement of Reasons and planning documentation relating to the development including the noise control measures and odour management including the operation and design of the facility Development complies with Policy 13(a) and Policy 25 of the North Dorset Local Plan.
- 4.45 Policy 14 relates to the landscape and design quality and states that waste management facilities are permitted where they are “compatible with their setting and would conserve and/or enhance the character and quality of the landscape.” 14 (a) which requires a sympathetic design and location for the site is met, (b) relates to the design of the site and (c) requires avoidance or acceptable mitigation of adverse impacts on the landscape. The site is in an AONB so must not have an unacceptable adverse impact on the AONB’s special qualities. Major development is only permitted in exceptional circumstances in the public interest including that they meet an identified need without there being suitable alternatives, with regard to AONB Management Plan objectives and policies and that there are sustainability benefits to the development. Due to the lack of alternative suitable sites and the demonstrable need for the site this policy is satisfied.

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- 4.46 The tree belt would act as mitigation and a number of different layouts for the site were considered to ensure that both operational needs were met without an unacceptable impact on the landscape. The site is also situated above road level, has a landscaped earth bund and the buildings will be in line with the Sunrise Business Park to minimise and partially mitigate the visual impact of the site. Therefore, and for the reasons already set out elsewhere in this statement of reasons including the enhancement and maintenance of the tree belt, these policy requirements are met.
- 4.47 Policy 15 is to ensure sustainable construction and operation of facilities through the measures set out in that policy. The planning application included a greenhouse gas emissions assessment which included its construction and operation. As a result, mitigation and enhancement measures have been recommended and will be addressed via the Construction Environment Management Plan and Site Management Plan which are both secured by condition. The Development will have Solar Photovoltaic panels and there is scope for additional future provision subject to planning on the site.
- 4.48 Policy 16 states that proposals for waste management facilities should be permitted where they support natural resources by demonstrating that the quality and quantity of water sources would not be adversely impacted, ground conditions are suitable, site soils are protected, reused or improved and there would not be a loss of best and most versatile farm land unless the benefits outweigh the loss and the best land has been avoided where possible. Soil assessments and water quality have been considered in depth elsewhere in this report and in the planning application in satisfaction of this policy.
- 4.49 Policy 17 covers flood risk and the requirement to use the Sequential Test in areas known to be at risk from flooding. This site has a number of mitigation measures including a SUDs and recommended conditions which mean that there is no adverse impact from flooding. Groundwater quality and the source protection zone approximately 400m to the South-East of the site off the site's proposed access will not be impacted adversely. Flood risk was assessed and reviewed as part of the planning application process.
- 4.50 Policy 18 requires that biodiversity and geological interest are not adversely affected in terms of biodiversity or geodiversity or if it cannot be avoided it is adequately mitigated or compensated for. An ecological impact assessment was carried out which found there would be a low short-term impact on the site's ecological receptors. However, this will be mitigated initially in the Biodiversity Plan and new creation of habitats

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including a wildflower meadow, native planting and the two ponds and swale which will be maintained for 25 years. As a result, the policy is satisfied.

- 4.51 Policy 19 ensures that the historic environment will be conserved or enhanced appropriately in relation to significance. For the reasons already set out in this statement of reasons it is considered that the archaeological measures therefore satisfy this requirement.
- 4.52 As a result, the proposal satisfies the requirements of the Waste Plan and it has been concluded that there would not be a cumulative effect in relation to other waste facilities. The above Development Considerations have been addressed satisfactorily.

### The North Dorset Local Plan (2016)

- 4.53 The North Dorset Local Plan Part 1 was adopted on the 15th of January 2015 and sets out the approach to managing planning development in the district. Although the LP1 replaces many of the policies from the district-Wide Local Plan (adopted 2003), some policies from the older local plan have been saved. In addition, the Proposals Maps from the Local Plan (2003) are still largely relevant.
- 4.54 North Dorset District -Wide Local Plan (Adopted Plan to 2011) **The North Dorset Local Plan Part 1** was adopted on the 15th of January 2015 and sets out the approach to managing planning development in the district.
- 4.55 Policy 3 relates to Climate change and sets out how developments should seek to minimise the impacts of climate change. The development will include photovoltaic panels and includes several mitigation measures and conditions to mitigate adverse impacts on the environment and improve the site's resilience to climate change.
- 4.56 Policy 4 Relates to the Natural Environment. This replaces and updates the previous policies 1.32 relating to Areas of Outstanding Natural Beauty and 1.33 relating to Landscape Character Areas. In relation to Areas of Outstanding Natural Beauty, development must be managed in a way which "conserves and enhances the natural beauty of the area". The Development has been designed to be sympathetic to the local area including nature screening via the tree belt and landscaping and the use of materials which are cohesive to the local environment.

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- 4.57 In relation to Landscape Character, policy 4 requires that the character of the district should be protected by retaining features characteristic of the area. The external tree belt being incorporated into the design is currently in situ and therefore the development complies with this policy by using and enhancing the natural landscape which is already established.
- 4.58 Policy 5 relates to the historic environment and balancing the desirability of protecting non-designated heritage assets, the scale of any harm or loss and the significance of the asset against the public benefit of a development. As already set out in this Statement of Reasons archaeological investigations and recording will be undertaken on the non-designated archaeological site and are required by condition in the Planning Permission. As a result, the need for the facility and the fact the site is allocated for such a facility outweigh the harm to this site in light of the conditions secured.
- 4.59 Policy 13 covers grey infrastructure and ensuring it is put in place to support the economy, growth and development in North Dorset. This includes the need to manage and provide for disposal of waste. The provision of a new waste management facility therefore directly satisfies this policy.
- 4.60 Policy 16 covers Blandford specifically and sets out the vision for Blandford being a main service centre for the district and enabling it to be more self-contained. Provision of a waste management facility therefore satisfies this policy especially in light of the measures in place to support the environment and climate change including groundwater protections.
- 4.61 Policy 25 is to protect the Amenity of the area and those in the locality. The site is to be operated in line with a site management plan which sets out provisions for monitoring, control and mitigation of any impact of the development from common concerns relating to waste management facilities such as vermin, noise and odour. In particular, there will also be a lighting scheme and odour management plan. As a result, the amenity impacts of the development will be controlled and mitigated so that they will not have an unacceptable impact on amenity overall.

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4.62 Policy B3 of the Neighbourhood Plan concerns employment. Part (c) addresses land adjacent to Sunrise Business Park (including the Order Land) and supports business uses subject to the requirements of sub paragraphs (i) to (vii) of that policy. The policy itself recognises that the Order Land will be the site of a waste management centre (with part (i) requiring that development proposals do not adversely impact the operation of a waste management centre on any adjoining land – the entirety of policy B3 land being larger than the Order Land). The policy, and the Neighbourhood Plan itself, does not and cannot allocate the Order Land for a waste management facility as that is the remit of waste planning and the Waste Plan.

### 4.42 Cranborne Chase Partnership Plan 2019 – 2024

4.63 The Cranborne Chase and West Wiltshire Downs AONB, now the Cranborne Chase AONB was designated in 1981 to conserve and enhance the natural beauty of the area which covers 981 square kilometres, overlapping the county boundaries of Dorset, Wiltshire, Hampshire, and Somerset.

4.64 The Cranborne Chase Partnership Plan 2019 – 2024 is the statutory management plan for the CCAONB, required by Section 89 of the Countryside and Rights of Way Act 2000 and approved by the Secretary of State.

4.65 This AONB Partnership Plan sets out the management policies of the partner local authorities for the AONB which are Wiltshire and Dorset Councils; Hampshire and Somerset County Councils; and New Forest, Mendip, and South Somerset District Councils.

### 4.66 4.43 Policy 1.32: Areas of Outstanding Natural Beauty

“Development proposals within the AONBs will only be permitted where they are in accordance with the policies of this local plan and provided that;

- (i) the siting and scale of development is sympathetic with the landscape of the AONB in general and of the particular locality.
- (ii) standards of landscaping and design are high, using materials which are appropriate to the locality and reflect the character of the area.
- (iii) in the case of major commercial and industrial development proposals, there is a proven national need, no suitable site is available outside the AONBs, and the development would be of benefit to present and future social and economic needs of the locality.”

4.67 Objective LAN B relates to the landscape character, tranquillity and special qualities of the AONB and ensuring its settings are conserved and enhanced. Specifically, Policy LAN 4 is to ensure the conservation of these qualities especially those that are sensitive to change. Efforts have been made to ensure that the design for the development helps it sit sympathetically within the AONB so that it can conserve and enhance the landscape character of the area with additional screening and mitigation.

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4.68 It is accepted that there will be an impact on the AONB despite the mitigation measures in place and as set out in this Statement of Reasons and the planning application documentation. However, the need for a modernised waste management facility in the locality is demonstrably in the public interest, a lack of suitable alternative sites in the area therefore outweighs the impact on the AONB in the particularly exceptional circumstances of the development.

### 4.43 Emerging policy - Dorset Local Plan

Emerging Dorset Local Plan: The Dorset Council Local Plan Options Consultation took place between January and March 2021. Publication of the Draft Local Plan is expected in December 2024. Being at an early stage of preparation, the Draft Local Plan should be taken into consideration, although the current adopted Local Plan will bear more weight in decision making.

## 5 THE IMPLEMENTATION AND DELIVERABILITY OF THE DEVELOPMENT

5.1 Paragraph 14 of the Guidance addresses the resource implications of the proposed scheme.

5.2 In terms of funding and viability, Dorset Council has a budget of £18.8m available from 1<sup>st</sup> April 2023 in the capital program assigned to this project.

5.3 Once completed, the Development will be maintained using existing Council budgets.

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### 6 EXPLANATION OF THE USE OF ENABLING POWERS

- 6.1 The Order is made by the Council under Section 121 of the 1972 Act, which enables the compulsory purchase of land by a principal council (which the Council is) for the purposes of their statutory functions subject to authorisation by the relevant government department.
- 6.2 The Council is a waste disposal (and a waste collection) authority as defined in section 30 of the 1990 Act. The 1990 Act at Section 51 provides that it is the duty of a waste disposal authority to arrange for the collection of controlled waste in its area and to provide places at which residents can deposit their household waste, and to then dispose of that deposited waste.
- 6.3 The Order is also made under section 13 of the Local Government (Miscellaneous Provisions) Act 1976 as it involves the acquisition/creation of new rights as described in the Order. Section 13 provides that a local authority may be authorised to purchase such new rights over land as may be specified in the relevant compulsory purchase order.
- 6.4 The Guidance gives direction to acquiring authorities on the use of compulsory purchase powers. It provides that compulsory purchase orders should only be made where there is a compelling case in the public interest. The Guidance further explains that whilst compulsory purchase is intended as a last resort, it may often be sensible given the amount of time it can take to complete the compulsory purchase process to initiate formal procedures so that the seriousness of the acquiring authority's intentions is clear from the outset. The Council has taken full account of the Guidance in making the Order and considers that the purposes for which the Order Land is sought to be acquired compulsorily are sufficient to justify interference with the those that have an interest in the Order Land. This is explained further in section 7 below.

## 7 THE CASE FOR COMPULSORY PURCHASE

- 7.1 The purpose of the Order is to facilitate the delivery of the Development – a new waste management centre to replace existing facilities and expand capacity. The Council has given careful consideration as to why it is necessary to acquire the Order Land (or create new rights). It is confident therefore that it is acquiring no more than what is needed for the Development to be constructed and become operational thereafter.
- 7.2 In 2016, discussions commenced between the Council and property consultants Savills who were appointed to represent objective of the parties was to discuss(?) the necessary land for the provision of a new waste management centre and a primary school. The negotiations which followed to acquire the land required for the waste management centre only are summarised below.
- In early 2018 the Council made an offer to purchase the land required to construct the waste management centre. This offer was rejected.
  - In 2020 the Council made an uplifted, new, offer to the owners, and a further uplifted offer was issued by the Council in early October of the same year. The owner accepted this offer and draft heads of terms were produced.
  - Discussions continued and heads of terms were produced in December 2020, and then agreed in January 2021. From that point solicitors were instructed by both parties.
  - Further negotiations to develop the heads of terms into a legal agreement then took place over the following months. This included the Council undertaking to pay the owner's legal fees.
  - Due to lack of substantive progress, the Council contacted the owner in July 2022 asking for an update.
  - In August 2022 Savills informed the Council that the landowner remained supportive of the proposed waste management centre albeit they needed to update their assessment of market value.



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- In October 2022 Savills sent to the Council updated draft heads of terms. The headline price quoted in the heads of terms was more than the previously agreed amount. The Council informed Savills in November 2022 that their valuation of the land far exceeded the previous agreed valuation and did not reflect the Councils' valuation. At this time, the Council informed Savills that it may use its powers of compulsory purchase.
- In December 2022, the Council informed Savills that a new, independent valuation of the property, instructed by the Council, reported a market value still substantially below that being asked for by the landowner. A copy of the valuation report was shared with Savills who did not agree with the report's conclusions through communications over the following months.
- In May 2023, the Council instructed property consultants Montagu Evans to act on its behalf and continue to seek a negotiated agreement with Savills for the acquisition of the Order Land. These negotiations are ongoing.
- In August 2023, the Council contacted the owner to explain that it was still keen to progress negotiations for acquisition by private treaty.
- Montagu Evans met with Savills in late September 2023 to discuss the acquisition of the land by private treaty and revised heads of terms were issued by Montagu Evans on xx October 2023.
- [update before making]

7.3 Whilst offers have been made, to date they have not been accepted. The Council will continue to attempt to acquire interests by private treaty and hopes for significant progress. However, as things stand it is not considered certain the Council will secure the interests it needs within a reasonable time. The exercise of the Council's powers of compulsory purchase will enable the Development to take place sooner and with more certainty than would otherwise be the case. However, compulsory purchase remains a last resort and the Council's preference is, where possible, to reach agreement with affected parties.

7.4 Bournemouth, Dorset, and Poole council have produced an "adopted Waste Plan" document in 2019. This document focuses on how and where waste should be managed over the next 15 years. The plan covers a period from adoption in 2019 to the end of 2033. In this plan it sets out waste forecasts and the need for new facilities. The total waste arisings in Bournemouth, Christchurch, Poole, and Dorset are estimated to grow by 191,000 tonnes per annum (tpa) by the end of the Plan period.

7.5 The report has highlighted within Dorset a requirement has been identified through discussions with Dorset Waste Partnership, that the quality and security of the existing network of household recycling centres is not adequate rather than a specific shortfall in capacity. However, it is recognised that there is a forecasted increase in overall waste in all these areas, which will lead to a capacity issue.

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- 7.6 There has been consultation on a new waste management centre for quite some time with the first public consultation on the new Waste Plan taking place from 19 December 2013 to 13 February 2014. The Waste Plan Issues Paper set out several issues the plan will need to address. The current strategy has been set out in the adopted waste management plan 2019, in which site-specific allocations have been identified to facilitate the replacement of the existing Blandford Waste Management centre and to manage increased quantities of waste to modern standards.
- 7.7 With reference to the existing issues with the current Blandford Waste Management centre:
- The existing waste management centre (**'WMC'**) is at risk of closure due to insecurity of tenure and existing environmental impacts.
  - The current centre only accommodates 14 vehicles at any one time.
  - There is no fire suppression system, the site is currently in poor condition and the drainage is inadequate which causes leachate.
  - The increased pressure on space at the transfer barn has caused cross contamination of waste streams.
  - As the transfer facility is not operating at an effective capacity, it is not easy to provide a contingency for unexpected events such as emergency deliveries of waste from other areas.
  - The site closes when the full containers are being collected adding to congestion on the road.
  - The current household recycling centre (**'HRC'**) household waste drop off is difficult to access for some residents due to it being accessed via steps.
  - Both the current HRC and the waste transfer barn share one point of access causing traffic issues for residents.
  - The current waste transfer station (**'WTS'**) is the busiest in the County by volume of material handled. This is due to the North Dorset area being entirely reliant on this single facility. All other collection areas make use of at least two tipping points to deliver their waste.
- 7.8 The Council has also considered the anticipated social, economic, and environmental impacts of the replacement waste transfer centre. Through detailed exploration of the proposed scheme, it has been established that the anticipated benefits of the interventions include:

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- The proposed facility would offer greater WMC capacity which would allow for additional bulking of materials that could be transported more efficiently and economically, providing an opportunity to explore treatment options in more distant areas that could provide more favourable market conditions.
- Waste facilities provide large economic benefits, this varies between facilities. It is said that the waste sector nationally has a turnover of £11 billion with 106,000 direct employees.
- On-going reliance on landfill will have a financial impact upon the waste collection and disposal authorities and local businesses, as the Landfill Tax increases the cost of disposal to landfill.
- Co-locating waste infrastructure provides more efficient site management resulting in better value for money.
- The resulting closure of the existing facility should the Development proceed would give rise to improvements for neighbouring businesses of the existing site.
- The new WTS (Waste Transfer Site) if approved will result in increased recycling with the aim to recycle over 65% of the household, commercial and industrial waste received at the site.
- The proposals if approved would include a small re-use building with the HRC area which would reduce the volume of recycled and landfilled materials, moving them up the waste hierarchy. This would hopefully generate economic benefits whilst improving the environmental performance of the facility.

## 8 HUMAN RIGHTS

- 8.1 The Human Rights Act 1998 incorporated into domestic law the European Convention of Human Rights (“the Convention”). The Convention includes in its articles provisions the aims of which are to protect the rights of the individual. As made clear in paragraph 2.21 of the Department for Exiting the European Union Paper ‘Legislating for the United Kingdom’s withdrawal from the European Union’: *“The [Convention] is an instrument of the Council of Europe, not the EU. The UK’s withdrawal from the EU will not change the UK’s participation in the [Convention] and there are no plans to withdraw from the [Convention].”*
- 8.2 Section 6 of the Act prohibits public authorities from acting in a way which is incompatible with the Convention. Various rights may be engaged in the process of making and considering a compulsory purchase order.

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- 8.3 Article 1 of the Convention protects the right of everyone to the peaceful enjoyment of possessions. It says that: *“Every natural or legal person is entitled to peaceful enjoyment of his possessions...[no] one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.”*
- 8.4 The European Court of Human Rights has recognised that *“regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole.”* The Council recognises that powers of compulsory purchase must be exercised proportionately. Both public and private interests must be considered in the exercise of the Council’s powers and duties as a local authority.
- 8.5 The Order is being pursued in the public interest as required by Article 1 of the Convention and the public benefits that will be brought by the Development are explained in this statement. A fair balance will be struck between the public interest in the bringing forward of the Development, and the private rights to be affected using compulsory purchase powers. The Order is proportionate as without the Order, the development of the Order Land and the public benefits that the Development will bring cannot be achieved.
- 8.6 Article 6 of the Convention provides that: *“in determining his civil rights and obligations ...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”*
- 8.7 It is right to have a fair and public hearing. Full consultation took place during the planning application process for the Development. As part of the planning process, interested parties have had an opportunity to make representations. Further, representations may be made in the context of any public inquiry the Secretary of State may decide to hold in connection with the Order. Those with interests in property affected by the Order will be entitled to statutory compensation. Affected parties also have the right to challenge the Order, should it be confirmed, by way of legal challenge to the High Court.
- 8.8 Article 8 (right to respect for private and family life and home) provides that: *“(1) Everyone has the right to respect for his private and family life, his home and his correspondence (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of...the economic well-being of the country...”*. As set out in the report to Cabinet of 20 June 2023, the land to be acquired does not include or affect residential property and it is not considered therefore that the Article 8 right is engaged.

## 9 EQUALITIES

9.1 The Equality Act 2010 puts a duty on the Council to have regard to the advancement of equality, and this applies to the exercise of powers of compulsory purchase powers as is does to other powers of the Council. This public sector equality duty (“**PSED**”) is set out at section 149 of the Equality Act 2010.

9.2 The Guidance in section 6 of Tier One sets out the three matters that the PSED requires the authority to pay regard to:

*“All public sector acquiring authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. Throughout the compulsory purchase process acquiring authorities must have due regard to the need to: (a) eliminate unlawful discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. In performing their public functions, acquiring authorities must have due regard to the need to meet these three aims of the Equality Act 2010.*

*... As part of the Public Sector Equality Duty, acquiring authorities must have due regard to the need to promote equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.”*

9.3 An EQIA on the CPO process for this project has been completed following consultation with the Council’s Equality Diversion and Inclusion Officer. It is considered that there are no negative impacts associated with this proposal.

## 10 SPECIAL CONSIDERATIONS

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- 10.1 There are no ancient monuments within the Order Land. A Written Scheme of Investigations Report, July 2020 (ACW 1252/1/0 for further Archaeological excavation, recording and analysis was submitted and approved under the current Planning consent Condition 3 attached to the Consent requires pre commencement excavation and recording work to be undertaken.
- 10.2 The Order Land is not within a conservation area.
- 10.3 The Order Land does not include any consecrated land.
- 10.4 The Order Land is within the Cranborne Chase Area of Outstanding Natural Beauty.
- 10.5 In terms of special category land, the Order Land includes land (as widely defined in the Town and Country Planning Act 1990 for the purposes of acquisition) subject to interests in favour of a statutory undertaker. The Guidance notes at paragraph 220 that a separate list should be included in the Schedule setting out special category land. However, in this case the acquiring authority is an authority included within section 17(3) of the Acquisition of Land Act 1981 and so, as per the Guidance, it is not necessary to show that land twice.
- 10.6 Further, the requirement for a special parliamentary procedure for either of the types of land described above, set out in section 17(2) of the Acquisition of Land Act 1981, does not apply in this case. This is due to section 17(3) dis-applying that requirement.
- 10.7 In any event, the interests of the statutory undertaker are excluded from the Order as interference with those interests is not anticipated.

## 11 OBSTACLES AND PRIOR CONSENTS

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- 11.1 Paragraph 15 of the Guidance asks whether there are any other impediments to the Development progressing. A key impediment, the need for planning permission, has been overcome by the grant of the Permission. Further, the acquiring authority can undertake works to public highways and implement traffic regulation orders (if needed) in its capacity as highway authority.
- 11.2 As part of the Development, it is proposed that the existing gated access into the Order Land from the A350 is closed. This will mean a small area of public highway, being the bell mouth that leads from the A350 will be stopped up using powers contained in the Town and Country Planning Act 1990. The Council sees no reason a stopping up order should not be secured as the closure of this existing access is necessary so that the Development can be carried out and the replacement access provided.
- 11.3 An environmental permit will be required for the Development to operate. The necessary application has been made and is with the Environment Agency for determination. The Council believes there to be no reason the permit would not be granted.

### **12 THE VIEWS OF GOVERNMENT DEPARTMENTS**

- 12.1 No Government Departments have expressed any views about the proposed development.

### **13 RELATED APPLICATIONS AND/OR ORDERS**

- 13.1 Other than the stopping up order referred to above, there are no related orders, applications or appeals which require a co-ordinated decision by the Secretary of State.

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### 14 COMPENSATION ISSUES

- 14.1 The Council continues to endeavour to discuss the acquisition of private interests so that it can purchase properties and secure rights by agreement rather than compulsorily.
- 14.2 Those affected by the Order who wish to discuss issues should contact Jason Jones, Group Manager (Commissioning). Contact is best made in the first instance by telephone or email: Tel: 01305 225180, email: [jason.jones@dorsetcouncil.gov.uk](mailto:jason.jones@dorsetcouncil.gov.uk).

### 15 THE ORDER, ORDER MAP AND STATEMENT OF REASONS

- 15.1 A copy of the Order, Order Map and Statement of Reasons can be inspected during normal office hours at the Council's offices: County Hall, Colliton Park, Dorchester, DT1 1XJ subject to prior arrangement with xxx. The documents can also be inspected using the following webpage: xxxxx.

### 16 ADDITIONAL INFORMATION

- 16.1 Those affected by the Order who require information about the process can contact Jason Jones, Group Manager (Commissioning of Dorset Council): tel: 01305 225180, email: [jason.jones@dorsetcouncil.gov.uk](mailto:jason.jones@dorsetcouncil.gov.uk).

### 17 CONCLUSION



## THE DORSET COUNCIL (BLANDFORD FORUM WASTE FACILITY) COMPULSORY PURCHASE ORDER 2023

17.1 For the reasons set out in this Statement, the Council considers the Order to be within the necessary statutory powers and that a compelling case exists in the public interest which justifies the making and confirming of the Order.

### 18 SUPPORTING DOCUMENTS

18.1 The following documents will be available for inspection at the Council's offices, and where available online links have been provided below. In addition, the Council will make the Order documents available on the Order website at [xxxxxxx]:

DC1	The Order, the Schedule, and the Order Map.
DC2	Report to Cabinet for the Council's Cabinet meeting of 20 June 2023 concerning the use of powers of compulsory acquisition.  <a href="https://moderngov.dorsetcouncil.gov.uk/documents/g5655/Public%20reports%20pack%2020th-Jun-2023%2010.00%20Cabinet.pdf?T=10">https://moderngov.dorsetcouncil.gov.uk/documents/g5655/Public%20reports%20pack%2020th-Jun-2023%2010.00%20Cabinet.pdf?T=10</a>
DC3	Decision of the Council's Cabinet meeting of 20 June 2023 concerning the use of powers of compulsory acquisition.  <a href="https://moderngov.dorsetcouncil.gov.uk/documents/g5655/Decisions%2020th-Jun-2023%2010.00%20Cabinet.pdf?T=2">https://moderngov.dorsetcouncil.gov.uk/documents/g5655/Decisions%2020th-Jun-2023%2010.00%20Cabinet.pdf?T=2</a>
DC4	Officer's report to Strategic and Technical Planning Committee on 4 April 2022 regarding the Development. Link to the Council's portal:  <a href="https://moderngov.dorsetcouncil.gov.uk/documents/g5097/Public%20reports%20pack%2004th-Apr-2022%2010.00%20Strategic%20and%20Technical%20Planning%20Committee.pdf?T=10">https://moderngov.dorsetcouncil.gov.uk/documents/g5097/Public%20reports%20pack%2004th-Apr-2022%2010.00%20Strategic%20and%20Technical%20Planning%20Committee.pdf?T=10</a>

**THE DORSET COUNCIL (BLANDFORD FORUM WASTE FACILITY) COMPULSORY PURCHASE ORDER 2023**

DC5	<p>Planning permission reference P/DCC/2021/01597 dated 5 April 2022 for the Development. Link to the Council's planning portal:</p> <p><a href="https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=386742">https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=386742</a></p>
DC6	<p>Approved plans of the Permission. Link to the Council's planning portal:</p> <p><a href="https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=386742">https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=386742</a></p>
DC7	<p>(electronic only) Planning application documents relating to the Permission. Link to the Council's portal:</p> <p><a href="https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=386742">https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=386742</a></p>
DC8	<p>Report to Cabinet for the Council's Cabinet meeting of 7 November 2023 concerning the use of powers of compulsory purchase</p> <p>[insert link]</p>
DC9	<p>Decision of the Council's Cabinet meeting of 7 November 2023 concerning the use of powers of compulsory acquisition.</p> <p>[insert link]</p>

**18.2** If a public inquiry into the confirmation of the Order is called, the Council may refer to or include in evidence further documents and will seek to notify the inquiry and any remaining objectors of any such documents as soon as possible in advance of the commencement of any inquiry  
**Dorset Council**

County Hall  
 Colliton Park  
 Dorchester

DT1 1XJ

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