

Agenda Item 8

Cabinet – Update Sheet

Cabinet meeting - 9 July 2024

Agenda pages – 201-222

The Cranborne Chase National Landscape Team has written to the Council stating that the Council has not considered its duty under section 85 of the Countryside and Rights of Way Act 2000 as part of the Cabinet Report to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape.

The Cabinet Report does clearly assess the impacts on natural assets and ecology. However, in response to the specific question on the section 85 duty, officers consider that the Dorset Council have satisfied this previously in designing and approving the Scheme. Officers are now seeking Cabinet approval for increased budget and authority to make a compulsory purchase order to deliver the previously approved Scheme.

As part of designing the Scheme, the Council commissioned a Landscape and Visual Impact Assessment and extensive discussions have taken place between the arboricultural, ecological and landscape officers and the engineering consultants in order to provide a slope stabilisation scheme that minimises the amount of slope re-grading required and the consequent removal of the minimum number of trees to achieve the required result.

Further, the Council has considered Government guidance to local authorities in relation to the S85 duty. This states that the requirement to have regard to conserving 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 conserving and enhancing the natural beauty of the National Landscape does not, for example, override the Council's legal obligations as a Highways Authority under the Highways Act 1980.

It is officers view that the Scheme is essential to improve road safety and afford the highway protection from landslide and that the Scheme has been designed carefully to conserve and enhance the natural beauty of the National Landscape as far as possible. The Council have also carefully previously considered alternative schemes but the alternatives were discounted because either their effectiveness could not be guaranteed or because they would have detrimental effects on the aesthetics of Dinah's Hollow.