

## Public Questions for Cabinet 9 July 2024

### 1. From Giles Watts, Dorset Deserves Better Campaign (Mike Allen to read out on Giles behalf)

It is now three years since the previous council published their draft Local Plan for Dorset. The Plan was deeply disappointing and came in for much criticism. Indeed, the former Leader of the council stated that “many residents share my view that the [draft Local Plan](#) chases housing numbers rather than prioritises local needs.”

The Dorset Deserves Better campaign was set up to persuade Dorset Council to rethink the Local Plan. For three years, Dorset Council has given no indication how it will respond to public concerns and modify the plan. Instead, we have had 3 years of delay and uncertainty.

Three priorities have emerged:

1. First, the excessive housing numbers proposed would have a damaging impact on Dorset’s exceptional natural environment and cultural heritage, green spaces and Green Belt. Excessive numbers are driven by the Standard Method with its 40% “affordability uplift”. In fact, Dorset already has enough planning permissions for 13,000 new houses (10 years’ supply at current rates).

2. Secondly, Dorset’s real housing crisis is a lack of truly affordable homes for local people, especially for social rent. The existing approach to providing affordable housing, through percentages of commercial (usually greenfield) developments, has failed to address the problem. A new approach and plan are needed.

3. Thirdly, there is little connection between planning policy and the climate and ecological emergencies declared by Dorset Council. Developments are planned on the edge of towns with little or no public transport and insufficient infrastructure. Houses are built to lower levels of insulation than will be required in future; solar panels are not installed; houses are still built with gas central heating. All this will need expensive retrofitting in a few years’ time.

**So, my question is: are you willing and minded to withdraw the existing, inadequate draft Local Plan which is a source of anguish and concern to so many residents? Instead, will you commit to produce a fresh, new Dorset Local Plan and to involve local people throughout this process?**

### **Response from the Cabinet Member for Planning and Emergency Planning**

Dorset Council has clearly stated its commitment to prepare a new-style local plan under the proposed national reforms to the plan-making system, and the key stages and likely timescales are set out in the Local Development Scheme for Dorset Council which was adopted in March 2024. The emerging draft local plan that was previously the subject of consultation had not reached an advanced stage and Dorset Council had neither formally published, nor submitted, its plan prior to committing to the new-style local plan. Nevertheless, any evidence that was

gathered which remains relevant, together with the representations that we received from the extensive consultation and engagement on the previous draft plan consultation, will be available for Dorset Council to assess and consider as it progresses with its preparation of a new-style local plan.

## **2. From Gerald Rigler Chairman of Purbeck & Poole Group of Dorset CPRE**

### **Preamble**

There are substantial concerns about the proposed Purbeck Local Plan since:-

It was based on the former government's "Standard Method for assessing housing need", an approach which **artificially inflated housing targets by 40%** on the spurious grounds that building excessive housing numbers would improve affordability. There is no evidence for this.

The plan for such high and excessive numbers in Purbeck (recognized for its exceptional biodiversity) involves **great damage to the countryside and communities**, including loss of Green Belt and other green spaces much valued by local people. At the same time, the plan **fails to make adequate provision for truly affordable homes for local people.**

The plan, with its excessively high and damaging housing targets was overwhelmingly rejected by 96% of local people at public consultation. The views of communities were disregarded by the then Dorset Council in taking forward the Purbeck Local Plan for Planning Inspector examination.

To adopt the Purbeck Local Plan, as proposed, would prejudice the review of the Dorset-wide Local Plan which the Leader has initiated.

### **Question**

Will Dorset Council please decline to adopt the proposed Purbeck Local Plan which, if adopted, would damage Purbeck and also prejudice the review of the Dorset-wide Local Plan that has been initiated?

### **Response from the Cabinet member for Planning and Emergency Planning**

Purbeck Local Plan has been the subject of a lengthy examination process by independently appointed inspectors and, following this process, has been found sound based upon the detailed evidence presented at the examination. Full consultation has been undertaken throughout the plan's preparation, with any parties fully able to make representations and engage in the process in order to have their views considered. Now that the inspector's report has been issued, the examination is closed, and it is a matter for Dorset Council to decide whether to adopt the plan. Given the findings of the inspectors and the very real advantages of an up-to-date local plan I will be calling upon councillors to support adoption. The new plan, once

adopted, will provide a more up-to-date policy framework, replacing the current plan which is now 12 years old. Its adoption by Dorset Council will not prejudice the objective and proper consideration of emerging policy through the new Dorset Council Local Plan.

### **3. From Bernard Ede BA(Hons).pgDipLD.FLI Retired Chartered Landscape Architect & Fellow of the Landscape Institute**

The use of Glyphosate to kill all ground vegetation, removal of all organic material, grinding-out tree-stumps & filling hollows with sand will cause extensive habitat destruction & create an inert mineral surface of this significant ecological corridor & historic feature distinctive of the area.

The Ecological Report & Impact, Mitigation & Compensation Measures are not available on DC's portal.

Surface erosion caused by intense rainfall during construction could induce slope instability by removal of foliage & organic matter which naturally retards infiltration. Removal of organic matter will remove a future growing-medium.

Tree stumps & their roots anchor & buttress steep slopes & their retention can form a protective coppice layer.

Drilling & installing metal pins could induce localised instability of the substrate.

Regeneration of the seed-bank, coppice regrowth & new planting are proposed.

### **Response from the Leader of the Council and Cabinet member for Governance, Performance, Communications, Environment, Climate Change and Safeguarding on behalf of the Cabinet member for Place Commissioned Services**

The measures described in the first paragraph referring to the use of Glyphosate are only proposed locally along the line of a permanent service access track at the top of the east bank of the hollow. These measures are not proposed to be used for the slopes of the hollow.

The track will be located on arable land and is required to provide temporary access to a site compound and permanent access for maintenance of a catchment pond. The proposals are standard preparation measures required prior to installation of a tree root protection system. The protection system will protect any tree roots from vehicle loading on the track.

Bioengineering was considered as part of the Options Report for the scheme prepared by Parsons Brinckerhoff in 2014. Stabilisation by bioengineering cannot be designed for the required 120 years. It is not possible to quantify and guarantee the effectiveness of vegetation as a stabilisation measure therefore this option was discounted.

Soil nailing was identified in the options report as being the most cost-effective solution to stabilise the banks and ensure the safety of the highway. The scheme has been developed by geotechnical engineers from WSP with input from specialist ecological consultants. WSP is one of the world's leading engineering and professional services firms.

Increases in the cost of the scheme are due to inflationary effects within the construction industry. The extent of the scheme has not increased.

#### **4. From Mike Cummings**

Re: Section 5.1 - 5.4 of the project summary.

There will undoubtedly be a significant negative impact for the ancient woodland species and habitats present if this scheme goes ahead but this has not been adequately assessed or addressed. The two mitigation measures briefly mentioned do not mitigate or compensate the impacts to the habitats present. Once the majority of the trees are cleared from the bank, the ground vegetation sprayed off with glyphosate and then ground matting installed beneath the mesh, the woodland vegetation present will be totally destroyed. This is a significant negative ecological impact and must be addressed prior to approval.

The up to date Ecological Impact Assessment for this project has not yet been written or submitted. The 2014/15 version was invalid as no surveys had been undertaken. Since then presence of Protected species (Dormice, Bats and Badgers) has been confirmed on site. Phase 2 surveys for bats have not yet been completed in line with current guidelines (BCT: Bat survey Guidelines 2023). No mitigation plan has been proposed by a Suitably Qualified Ecologist and no compensation for the very specific habitats lost have been offered. I therefore disagree that the council have been able to "carefully consider" the full ecological impact of this project.

This lack of adequate information goes against the DCC Climate and Ecology strategy 2023. The destruction of these tree lines and the ground vegetation will block connectivity for Dormice and Annex 2 bat species which are present on site (according to a brief mention in the arboricultural report submitted) this could have a major negative impact to the populations at a local level where they are already struggling. This may mean that Natural England are unable to grant licenses for the project. Under the NPPF and the Habitat Regulations these issues must be fully assessed and a mitigation and compensation strategy approved prior to any determination of the feasibility of this heavy handed project.

Its clearly stated in the report that there is no "evidence of major failure" and whilst the "do nothing" approach is clearly not enough the drastic denuding of the banks of nearly all the trees and vegetation is far in excess of what's needed to secure these ancient banks and it coming at great cost to the tax payer.

**Given the clear omissions in Ecological information highlighted above, How can you back up the claim in your infographic (5.4) which states that this scheme will deliver a "major positive impact" to "Natural assets" as this appears to be an totally inaccurate and un substantiated claim in the absence**

**of full Ecological Impact assessment and full mitigation and compensation plans?**

**Response from the Leader of the Council and Cabinet member for Governance, Performance, Communications, Environment, Climate Change and Safeguarding on behalf of the Cabinet member for Place Commissioned Services**

It is correct that a full Ecological Impact Assessment (EclA) hasn't yet been undertaken because the exact nature of the engineering works, and the timeline for this, is not currently known and further survey work is required for bats and Badgers. However, a detailed ecological report has been written which describes all of the updated surveys undertaken to date and the ecological baseline and provides a preliminary assessment of impacts and key objectives for avoidance and mitigation. All update surveys were undertaken by independent ecological consultants who are suitably qualified, and specialists in their respective fields. The report was not submitted in support of this cabinet submission because the submission pertains only to the Compulsory Purchase Order (CPO) of land required for the scheme. A summary of the ecology work can be found in supporting documents for the Tree Protection Order (TPO) application for this scheme (ref:P/TRT/2024/03586).

Broadly speaking one of the key ecological objectives of the scheme is to avoid impacts as far as possible. To this end ecological surveys have identified the mature trees and/or the trees with high ecological value, for example because they support other species such fungi and lichens of note. Tree felling is required to facilitate the engineering aspects of the scheme, and also for tree safety and silvicultural reasons. However, presently the ground flora is described as patchy, and in places bare, due to shading by Sycamore in particular, and the instability of the ground in the steepest areas which has led to slippage. Tree removal and coppicing will allow a dense understorey to develop, which will be of benefit to important species such as Dormice and allow increased light and warmth to reach the woodland floor allowing plants to colonise. In addition to this natural recolonisation of the ground flora, strategic planting will be undertaken within the soil mesh to further enhance the regeneration of the understorey and canopy. It is anticipated that these actions will improve the structure and species diversity of the woodland, and therefore deliver an enhancement to the woodland habitat itself, and to the species it supports. It should be noted that there is no intention to spray the banks with glyphosate and application will be limited strictly to the access track to allow for preparation of the surface.

Regarding species specific impacts, application will be made to Natural England for a Hazel Dormouse mitigation licence. The scheme cannot commence unless and until the licence is issued therefore it will be necessary for Dorset Council to satisfy Natural England of the following: that there is a public interest in undertaking the scheme; that there is no satisfactory alternative to the works; and that Dormouse will not be harmed as a result of the proposed activities, and they can continue to live and breed at Dinah's Hollow. Issuing of the licence also requires Dorset Council to

demonstrate that enhancements are delivered for Dormouse, for example by creating additional suitable habitat within the works area.

In addition to species specific mitigation and enhancements the scheme will also use the Government's Biodiversity Metric to demonstrate that the scheme delivers a minimum 10% Biodiversity Net Gain (BNG) in habitats. Demonstration of BNG is not a statutory requirement, as the project does not require planning permission, and is therefore taken voluntarily. The principles of the Biodiversity Metric mean that species specific mitigation, such as that described above for Dormouse, can only be counted up to the point of 'no net loss'. This means that the 10% gain will be delivered on top of the species-specific mitigation for Dormouse, Badger, bats and any other protected species recorded using the Hollow. Every effort will be made to deliver the biodiversity gains on-site, or locally off-site, in accordance with the BNG hierarchy.

## **5. From Lavinia Phillips**

Why are Dorset Council proceeding with these very expensive proposals for Dinah's Hollow, where there have been NO road accidents or injuries to road users, when promised necessary works to other local roads where there have been fatalities and serious accidents (I.E. at the Gore Clump turning) have not been addressed?

Has the efficacy of these proposals been independently reviewed by specialist Bio-engineering & Ecological Consultants including substantiating the increase in cost from £4.3million to £8million?

### **Response from the Leader of the Council and Cabinet member for Governance, Performance, Communications, Environment, Climate Change and Safeguarding on behalf of the Cabinet member for Place Commissioned Services**

Feasibility work is currently being carried out in relation to the Gore Clump Turning. (Refer to Dorset Council website for details.)

#### Gore Clump safety scheme - Dorset Council

There was a landslip in January 2016, where although no injuries or fatalities occurred, if there was a vehicle on the road at the time it is likely that there would have been a serious injury.

## **6. From Roy Phillips on behalf of Olive, Freddie, Arthur and all the other children and future generations of Melbury Abbas and Dorset**

Dinah's Hollow

Given the unacceptable level of destruction of the ecology, the unacceptable level of destruction on the village and the landscape, the accepted low risk to road users,

and the poor cost / benefit ratio can we ask that this scheme be again shelved until such time as a more acceptable cost effective ecological scheme is available.

**Response from the Leader of the Council and Cabinet member for Governance, Performance, Communications, Environment, Climate Change and Safeguarding on behalf of the Cabinet member for Place Commissioned Services**

The cabinet report considers the level of risk and the council's duty to ensure that the road is safe to use. Planned ecological mitigation prepared by a specialist ecological consultant is stated within the publicly available Planning Application for the Tree Preservation Order.

Please also refer to the answer for Question 4 from Mike Cummings

**7. From Anne Kaile, Clerk to Melbury Abbas & Cann Parish Council**

Dinah's Hollow

Why are you proposing to spend £8M when modern effective alternative schemes can be done for less than £3M?

**Response from the Leader of the Council and Cabinet member for Governance, Performance, Communications, Environment, Climate Change and Safeguarding on behalf of the Cabinet member for Place Commissioned Services**

Soil nailing of the slopes was identified in Parsons Brinckerhoff's Option Report as being the most cost-effective solution to stabilise the banks and ensure safety on the highway. No alternative options were identified at the time or have since been identified by WSP which could either be guaranteed to be effective or not have a significant detrimental effect on the Hollow.

Increases in the cost of the scheme are due to inflationary effects within the construction industry. The extent of the scheme has not increased.

**8. From Richard Thomas (written response and Richard is unable to attend)**

Sustainable Shaftesbury

My apologies for being unable to present this question in person or remotely as I am chairing a meeting of Shaftesbury Town Council's Sustainable Shaftesbury Advisory Committee at precisely the time of your meeting, but I would appreciate a written response at your earliest convenience.

My question is:

Given your public statement following election that you want Dorset Council to work much more closely with town and parish councils, how do you intend to do this and when, and in particular, given that your climate and ecological policy team are now in possession of the Sustainable Shaftesbury Strategy & Action Plan adopted by Shaftesbury Town Council in February 2024, how far are you prepared to take account of ideas and actions suggested by town and parish councils to meet the climate and nature emergency in Dorset and to help them with local project advice, support and funding?

**Response from the Leader of the Council and Cabinet member for Governance, Performance, Communications, Environment, Climate Change and Safeguarding**

The role of town and parish councils in supporting and showing the requisite leadership required to deliver on the net zero and nature recovery aspirations of Dorset is crucial. Town and parish councils can not only look to reduce their own operational emissions, but they can and do show local leadership through the development of sustainability plans and also through the way that they engage and work within their communities. The issues of climate change and the continual degradation of our natural systems are challenges that require leadership across sectors, and only through working together can we hope to deliver against the aspirations we have for Dorset to be a leader in sustainability that works symbiotically with the wider social and economic changes that are required. Since declaring a climate emergency in 2019, the council has worked closely with the Dorset Association of Parish and Town Councils to provide advice and guidance to town and parish councils through webinars, guidance, technical and grant support from our Low Carbon Dorset programme and Charging Ahead programmes – and we are keen to encourage their participation in newer opportunities such as the Community Tree Fund.

We have very recently appointed a new officer in our sustainability team with a specific role of engaging with different sectors in Dorset to facilitate an acceleration in activity across the county, and this will include working with town and parish councils as a priority sector and work has already begun to identify how we can best support and also learn from the activity that is clearly evidenced by work such as the Shaftesbury Strategy & Action Plan. We are working closely with the Dorset Association of Parish and Town Councils and other community organisations such as Dorset Climate Action Network to develop a programme of activity over the coming months. This will draw on the excellent work already underway by town and parish councils such as Shaftesbury Town Council in order to share best practice, stimulate action and provide practical support and guidance to enable town and parish councils to take action themselves and support their communities’.