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CABINET

MINUTES OF MEETING HELD ON TUESDAY 9 JULY 2024

Present: Cllrs Nick Ireland (Chair), Richard Biggs (Vice-Chair), Shane Bartlett, Simon Clifford, Ryan Holloway, Ryan Hope, Steve Robinson, Clare Sutton and Gill Taylor

Apologies: Cllrs Jon Andrews

Also present: Cllr Ray Bryan, Cllr Peter Dickenson, Cllr Neil Eysenck, Cllr Beryl Ezzard, Cllr Les Fry, Cllr Hannah Hobbs-Chell, Cllr Sally Holland, Cllr Sherry Jespersen, Cllr Louie O'Leary, Cllr Andrew Parry, Cllr Mike Parkes, Cllr Jane Somper, Cllr Gary Suttle, Cllr Roland Tarr and Cllr Kate Wheller

Also present remotely: Cllr Belinda Bawden, Cllr Laura Beddow, Cllr Bridget Bolwell, Cllr Dave Bolwell, Cllr Toni Coombs, Cllr Richard Crabb, Cllr Carole Jones, Cllr Cathy Lugg, Cllr David Morgan, Cllr David Northam, Cllr Emma Parker and Cllr James Vitali

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

Jan Britton (Executive Lead for the Place Directorate), Matt Prosser (Chief Executive), Kate Critchel (Senior Democratic Services Officer), Lindsey Watson (Senior Democratic Services Officer), Theresa Leavy (Executive Director of People - Children), Jonathan Price (Executive Director of People - Adults and Housing), Mark Tyson (Corporate Director for Adult Commissioning & Improvement), Andrew Billany (Corporate Director for Housing), Amanda Davis (Corporate Director for Education and Learning), Paul Dempsey (Corporate Director - Care & Protection), Christopher Whitehouse (Projects Team Manager) and Matthew Piles (Corporate Director - Economic Growth and Infrastructure)

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

David Bonner, Service Manager Business Intelligence.

13. **Minutes**

The minutes of the meeting held on 11 June 2024 were confirmed as a correct record and signed by the Chair.

14. **Declarations of Interest**

There were no declarations of interest to report.

15. **Public Participation**

There were 8 questions and 1 statement from the public. A copy of the full questions, statement and the detailed responses are set out in Appendix 1 to these minutes.

16. Questions from Councillors

There was 1 question from Councillor J Somper; this along with the response is set out in Appendix 2 to these minutes.

17. Forward Plan

The draft Cabinet Forward Plan for September 2024 was received and noted.

TRIBUTE TO THE EXECUTIVE DIRECTOR FOR PEOPLE (CHILDREN SERVICES)

The Leader of the Council and the Cabinet Member for Children's Services, Education and Skills reported that Theresa Leavy, the Executive Director for People – Children's was leaving the Council after 5 years of service.

They took this opportunity to pay tribute to her achievements, outstanding leadership and wished her every success for the future.

18. Children's Services Annual Engagement 'Self-Evaluation' 2024

The Cabinet Member for Children's Services, Education and Skills presented a report that provided oversight and assurance that Dorset effectively discharged its statutory duties within children's services. Every year, each local authority must undertake a self-evaluation against the published inspection criteria focusing on the experience and progress of children who need protecting and providing an overview of education and learning outcomes for children and young people.

The Cabinet Member took the opportunity to highlight the council's strengths and the hard work taking place within the service.

In response to questions, the Executive Director for People (Children's) advised that she was hopeful that the funding for the 'Pathfinder' opportunity would continue beyond the autumn. If it didn't, that would present the Council with budget challenges. However, children's services would continue to strive to provide the best options and value for the service.

Responding to questions around the Chickerell Camp provision and the local primary schools, the Executive Director for People (Children's) advised that the families staying at the camp had "entitled persons status" but that they had not been expected to stay in this temporary provision for as long as they had.

Unfortunately, the current arrangement did not provide for any additional funding and moving these families into more settled homes was proving to be challenging. However, the service would continue to support these families at their point of need and discussions were taking place with the MOD to ensure that these families received the best possible support.

In response to a suggestion by Cllr S Clifford, members agreed that a cross-party letter be sent to central government seeking fairer funding for Dorset schools in respect of this issue.

It was proposed by Cllr C Sutton seconded by Cllr R Holloway

Decision

That the contents of the Annual Self-Evaluation of Children's Services for May 2024 be noted.

Reason for the decision

The requirement to produce an Annual Self Evaluation was part of the Ofsted Inspection Framework of Children's Services. The report to Cabinet provided members with an overview of progress and highlighted strengths and areas for development for the next 12 months.

19. Dinah's Hollow Slope Stabilisation

In the absence of the Cabinet Member responsible for this area, the Leader of the Council introduced the report and referred to the update sheet that was circulated to members prior to the meeting.

The Leader of the Council advised that this was an important long-standing issue for the community living alongside the C13 road and for those residents living parallel to the A350 route. He further advised that it was also an important long standing strategic issue for those residents, businesses and visitors traveling to, from and through Dorset using the north and south routes.

Members were reminded that Dorset Council had a legal obligation to provide a safe highway network across Dorset and it was essential to keep the travelling public as safe as was possible. It was important that the Council was aware and acted accordingly to mitigate risks.

Members were reminded that there was a risk of slope failure at Dinah's Hollow along the C13 in North Dorset. The Highways Team had been working on an engineering solution to reduce the risk and improve safety. The Leader of the Council advised that if the Council did not act there would be potential health and safety, and financial implications including reputational damage and impact to the highway network which would affect a key north-south route. Members were advised that the report before them was seeking support to take the Compulsory Purchase Order forward and approve the additional cost of the project.

The original funding of £4.493 million allocated from the Capital Programme Funds, for the project, had been set aside. However, the current cost estimate for delivering the scheme in 2025 was £8 million. Therefore, a further capital investment of £3.507 million was needed to deliver the scheme.

In response to non-executive member questions, the Head of Highways advised that in 2020/21 the Council was unable to negotiate the purchase of the land either

side of the road. It was anticipated that the work would come under the full £8 million but preparation for unseen events had been factored into the budget. In respect of a question about permanently closing the road, Cabinet was advised that this process must be considered by a magistrate and would not be a decision of the local authority. It was also not considered to be a desirable option.

Cabinet supported the recommendation.

It was proposed by Cllr S Bartlett and seconded by Cllr R Biggs

Decision

- (a) That full funding for the stabilisation scheme be approved with the additional funding achieved through reprofiling the existing Highway budgets for the financial years 2025/26 and 2026/2027.
- (b) That Cabinet authorise the use of the Council's powers of compulsory acquisition under section 102, 239, 249 and 250 of the Highways Act 1980 and the Acquisition of Land Act 1981 and such other powers as may be appropriate to secure a compulsory purchase order ('the CPO') to acquire:
 - All land, interests, and rights in respect of the areas of land shown edged red and shaded pink on the Order map at Appendix D of the report to Cabinet - 9 July 2024 and
 - New rights over the land shown edged red and shaded blue on the Order map at Appendix D of the report to Cabinet - 9 July 2024
- (c) That authority be delegated to the Interim Lead for Place (including any officer nominated by them):
 - To take all necessary steps to secure the preparation, making and submission to the Secretary of State for Transport or the confirmation and implementation of the CPO including (but not limited to) drafting and publishing the Statement of Reasons; the publication, advertisement, notification and service of all necessary notices; the investigation of and responses to objections; and the presentation of the Council's case at any public inquiry or other examination procedure.
 - To continue to negotiate to acquire the necessary land and new rights by agreement and to acquire the same by private treaty if agreement can be reached.
 - To make minor amendments, modifications, and deletions to the CPO and/ or the Order Map including (but not limited to) to the land or new rights required should this be considered appropriate.
 - If the CPO is confirmed, they take all necessary steps including (but not limited to) to advertise the confirmation, of the CPO and serve all necessary notices of the confirmation and once the CPO becomes operative to execute General Vesting Declarations under the Compulsory Purchase (Vesting Declarations) Act 1981 and/ or to serve all necessary notices including serving Notices to Treat and

Notices of Entry following confirmation of the CPO if required so that the land subject to the CPO vests in the Council.

- To take all steps in relation to any legal proceedings relating to the CPO including defending or settling claims referred to the Upper Tribunal and/or applications to the courts and any appeals.

Reason for the decision

To deliver the stabilisation scheme approved by Cabinet.

The impact of a major slope failure would be high in respect of health and safety and financial implications. Possible consequences included loss of life, multiple major injuries, and legal action. There would also be reputational damage, impact on service delivery and disruption to the highway network affecting a key north-south route. Negotiations had taken place over a considerable amount of time, and it had not so far been possible to reach a formal agreement.

Compulsory purchase powers were therefore sought to enable the scheme to progress.

20. **Local Electric Vehicle Charging Infrastructure Funding Procurement**

The Leader of the Council presented a report on a joint venture with BCP Council for a planned procurement activity for the installation and operation of Electric Vehicle Charging Infrastructure.

There was no proposed cost to Dorset Council as the procurement was conditional on a £2.49 million Local Electric Vehicle Infrastructure (LEVI) funding award by the Office for Zero Emission Vehicles.

In response to a question around rural access to electric vehicle charging, the Transport Planning Projects Team Manager confirmed that a programme of work was on-going for local villages to apply for on-street charging. It was also confirmed that local councillors would be consulted on the placement of these on-street residential charging sites.

The Transport Planning Projects Team Manager confirmed that BCP would lead on the procurement, but Dorset Council officers would be fully involved in the process. Regarding electricity capacity concerns, the Transport Planning Project Team Manager confirmed that officers worked closely with local network providers who had given assurance that in terms of the plans being put forward, there was enough grid capacity for these chargers.

It was proposed by Cllr N Ireland seconded by Cllr S Robinson

Decision

That Cabinet agreed;

- (a) To begin the procurement procedure as described in the report to Cabinet of 9 July 2024.
- (b) That the further step of making any contract award be delegated to the Cabinet Member for Place Commissioned Services in consultation with the Interim Lead for Place and having regard to the recommendations of the Electric Vehicle Charging Infrastructure Programme Board chaired by the Head of Dorset Highways.

Reason for the decision

Cabinet was required to approve all key decisions with financial consequences of £500k or more.

21. Brit Valley Natural Flood Management Project

The Leader of the Council presented a report on an offer for funding made by the Environment Agency to the Dorset National Landscape team to deliver a project in the Brit Catchment. This would cover the areas of Bridport, Eggardon, Beaminster and Marshwood Vale. Dorset National Landscape Partnership was hosted by Dorset Council and members were asked to accept the offer securing Phase 1 and Phase 2 of the project.

It was proposed by Cllr R Holloway and seconded by Cllr R Hope

Decision

That the project be approved, and the Executive Lead for Place enter into the funding agreement for both Phase 1 and Phase 2 via the scheme of delegation.

Reason for the decision

Funding had been secured externally and the project delivery would make a positive impact on the residents of Dorset.

This contributed towards Dorset Council's Plan 2022-2024 priorities of 'protection of our natural environment, climate and ecology' and 'stronger, healthier communities'.

22. Nature Buddies Network Dorset

Cabinet Members considered a report seeking approval to create a Nature Buddies Network across Dorset and accept a grant offer from the National Lottery Heritage Fund to support the project.

It was proposed by Cllr S Bartlett and seconded by Cllr R Hope.

Decision

That the project be approved, and the Executive Lead for Place enter into the funding agreement via the scheme of delegation.

Reason for the decision

Funding had been secured externally and the project deliverables would make a positive impact on the health and wellbeing of Dorset residents and the heritage of Dorset. This contributed towards Dorset Council's Plan 2022-24 priorities of 'stronger, healthier communities' and 'protection of our natural environment, climate and ecology.

23. Dorset Local Visitor Economy Partnership

The Cabinet Member for Property & Assets and Economic Growth presented a report on a recent designation of 'Local Visitor Economy Partnership'(LVEP) created by VisitEngland, to support and grow the visitor economy through robust destination management, strong stakeholder relationships and clear planning.

Members were asked to support the establishment of a Dorset LVEP, which would put Dorset on an even footing with 33 other English areas with recently established LVEPs.

It was proposed by Cllr S Bartlett and seconded by Cllr G Taylor

Decision

- (a) That Cabinet supports Dorset Council applying to VisitEngland for the establishment of a Dorset Local Visitor Economy Partnership (LVEP)
- (b) That Cabinet endorse Dorset Council assuming the role of Accountable Body for the proposed LVEP.
- (c) That authority be delegated to the Executive Lead for Place, in consultation with the appropriate Cabinet Member and Section 151 Officer, to agree:
 - The terms of any LVEP agreement between Dorset Council and VisitEngland
 - The terms of any partnership agreement between Dorset LVEP members and
 - Dorset LVEP governance arrangements.

Reason for the decision

Following the government commissioned Du Bois review of Destination Management Organisations, direct government support through VisitEngland would be channelled exclusively through LVEPs. If Dorset wished to benefit from this support, it needed to be part of an LVEP.

Guidance from VisitEngland suggested an LVEP covering the Dorset Council and BCP Council areas was a suitable functional area of sufficient size for an LVEP. The Dorset Council area alone was not of sufficient scale.

24. Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038

The Cabinet Member for Planning and Emergency Planning presented the report and set out the recommendation to make the Buckhorn Weston and Kington Magna Neighbourhood Plan. He also took this opportunity to congratulate Buckhorn Weston and Kington Magna Parish Council and members of the Neighbourhood Plan Group on producing a successful plan.

The proposal was seconded by Cllr R Holloway

Decision

- (a) That the Council 'makes' the Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038 (as set out in Appendix A of the report to Cabinet of 9 July 2024) part of the statutory development plan for the Buckhorn Weston and Kington Magna Neighbourhood Area.
- (b) That the Council offers its congratulations to Buckhorn Weston and Kington Magna Parish Council and members of the Neighbourhood Plan Group for producing a successful neighbourhood plan.

Reason for the decision

To formally 'make' the Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038 (as set out in Appendix A of the report to Cabinet of 9 July 2024) part of the statutory development plan for the Buckhorn Weston and Kington Magna Neighbourhood Area. In addition, to recognise the significant amount of work undertaken by the Parish Council and members of the Neighbourhood Plan Group in preparing the plan and to congratulate the Council and the Group on their success.

25. Youth Justice Plan 2024/25 - Recommendation to Full Council

The Cabinet Member for Children's, Education and Skills set out the recommendation to Full Council to approve the Youth Justice Plan for 2024/25.

Recommendation to Full Council

That the Youth Justice Plan 2024/25 be approved.

Reason for the recommendation

Youth Justice Services were required to publish an annual Youth Justice Plan which should be approved by the Local Authority for that Youth Justice Service. Dorset Combined Youth Justice Service worked across both Bournemouth, Christchurch and Poole Council and Dorset Council. Approval was therefore sought from both Dorset Council and from Bournemouth, Christchurch and Poole Council.

26. The Chair made a change to the agenda by taking the "Productivity Plan Report" before the report for the "Extra Care Housing Strategy" Productivity Plan

The Leader of the Council presented the report and advised that in a written ministerial statement following the local government finance settlement for 2024/25, the Secretary of State for the Department for Levelling Up, Housing and Communities (DLUHC) set out the requirements for local authorities to develop and share a Productivity Plan.

Subsequently, the Council received a letter from the Minister of Local Government (at the time) on expected content of the Plan. The submission date was not until the 19 July 2024 and given that there had now been a change in government and additional changes to DLUHC, the status of the plan may change. However, at present, councils were required to submit a Productivity Plan and members were asked to approve the report recommendation including an additional recommendation put by the Chair.

It was proposed by Cllr R Holloway and seconded by Cllr S Clifford

Decision

- (a) Cabinet agrees to the content and publication of the proposed Productivity Plan prior to 19 July 2024.
- (b) That authority be delegated to the Leader of Council in consultation with the Chief Executive, the ability to amend the Productivity report, in order to comply with any revised guidance that the new government may produce, before the report is due for submission on 19 July 2024.

Any amendments would be circulated to all members of council for information, and these would be reported at the next available opportunity.

Reason for the decision

All local authorities were required to ensure their own Productivity Plan had member oversight and endorsement, following which the Department for Levelling Up Housing and Communities had requested that each local authority returned their own plan to the DLUHC by 19 July 2024.

27. Extra Care Housing Strategy & Accommodation with support programme

The Cabinet Member for Health and Housing presented the report on the Extra Care Housing Strategy and Accommodation with Support Programme. The strategy established a vision for Extra Care Housing as an effective way to support people with multiple health and care needs whilst remaining independent in a home of their own. The approach also provided for an alternative to more institutional forms of care and a modern solution to enable people to remain more independent whilst receiving care and support.

In presenting the report, the Cabinet Member acknowledged the work carried out by the People & Health Overview Committee and their amendment to the original recommendations. However, the Cabinet Member proposed that the recommendations 1 to 6 go forward and that recommendation 7 be removed.

The Cabinet Member for Adult Social Care spoke in support of the recommendations and seconded the motion.

In response to comments and questions from non-executive members regarding directly developing these schemes within the Council, the Cabinet Member advised that it would not be judged to be possible or desirable for the reasons set out in the report. She reminded members that the project would be expected to attract over £60 million in terms of investment into Dorset.

Decision

- (a) Cabinet agreed to adopt the Extra Care Housing Strategic Statement and Appendices as Dorset Council's publicly stated strategic direction as part of the suite of Adult Social Care Commissioning Strategies.
- (b) That, in principle, the use of Dorset Council land assets to deliver these development projects be approved, with the inclusion of specific sites to be agreed by the Executive Lead for the Place Directorate, in consultation with the Cabinet Member for Assets and Regeneration.
- (c) That public procurement for a Strategic Development Partner as the preferred delivery mechanism be agreed, and the commencement of this procurement process, be approved.
- (d) That authority be delegated to the Executive Director for People (Adults) and the Executive Director for Corporate Development, acting jointly:
 - a. To agree the terms for the agreement with the Strategic Development Partner, and
 - b. To award the Strategic Partnership Agreement to the preferred bidder. The final award decision shall be made in consultation with the Cabinet Member for Public Health, Environmental Health, Housing, Community Safety and Regulatory Service, and the Cabinet Member for Adult Social Care.
- (e) That the terms of the property related transactions (whether freehold, leasehold, or contractual dispositions) be agreed in project-specific development agreements with the selected Strategic Development Partner.
- (f) That the decision to complete each development agreement be taken by the Executive Director for People (Adults and Housing), the Executive Lead for the Place Directorate and the Executive Director for Corporate Development acting jointly.

Reason for the decision

Extra Care Housing was the preferred service option for older people who need 24-hour Care and Support, but who could remain independent in a home of their own with the right support. By setting out the Dorset Council strategic priorities,

Cabinet gave a clear signal to the market of the Council's intentions and its commitment to increasing the supply of Extra Care Housing in Dorset.

28. **Urgent items**

There were no urgent items considered at the meeting.

29. **Exempt Business**

There was no exempt business discussed.

30. **Exempt Appendix - Extra Care Housing Strategy & Accommodation with support programme**

The exempt appendix (4) associated with the report 'Extra Care Housing Strategy & Accommodation with Support Programme' had been made available to members of the Cabinet. However, the meeting did not need to move into exempt business to discuss this information.

Appendix 1 - Public Participation - Questions and Answers
Appendix 2 Councillor Questions and Response

Duration of meeting: 6.30 - 8.24 pm

Chairman

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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 the 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’.

Question from Cllr Jane Somper, Beacon Ward

QUESTION FOR AGENDA ITEM 8 CABINET MEETING 9th JULY, 2024

Should Cabinet give approval for the works at Dinah's Hollow, Melbury Abbas in the Beacon Ward as outlined in the report, the shift in all vehicles using the A350 while the C13 is closed will be serious and will require some important mitigations along the A350, a road classified as a strategic route that runs through the Beacon Ward and several villages. This will need addressing before the works begin at Melbury Abbas. The surrounding road network will also need careful consideration in any diversions as well.

There is an advisory one way system for HGV's along the C13 and A350, and in places along the A350 the road is narrow with sharp bends and unsuitable for HGV two way traffic. There are several particular pinch points along the route on the A350 where I request to meet with highways officers and the Cabinet member on site to ensure that measures are put in place, such as temporary traffic lights and/or other highway reliefs to prevent collisions and unnecessary jams where if two HGV's meet they cannot pass. Cllr Andrews witnessed such a potential collision on his recent visit to my ward.

I also request that funding is ringfenced for repairs to the A350 that may well be required due to the significant increase in vehicle usage once the works at Dinah's Hollow are completed and that a schedule of these works is published and prioritised. Along with this we know that local residents will use their own know diversion routes but there is also likelihood of HGV's and lighter vehicles using these 'side roads and back routes' which will also need some mitigation to prevent blockages and may also need repairs carried out once the works are completed.

These roads are Tower Hill in Iwerne Minster, Sutton Hill in Sutton Waldron, Mill Street in Fontmell Magna. It may also be necessary to consider Foots Hill at Cann, and I request that officers assess the other possible routes that may be used by local residents.

Also important is a requirement to confirm that all signage, including the weight activated sign at Cann is in full working order and that large signage at Blandford roundabout and in Shaftesbury have very clear messages on the routes and diversions.

It will be essential to me as the ward member to have regular updates from the highways team in order to keep residents and parishes up-to-date with a single point of contact within the highways team to deal with any problems that arise from the closures and diversions. As the impact of any road closures over a long period of time will clearly have a disruptive impact on the wider area of my ward, I request a public meeting in order for residents to have their questions answered from expert highways officers.

Due to the serious disruption to the area and all the villages that sit along the A350 it is my responsibility as Beacon Ward member to ensure that everything is done to allow free flow of traffic so residents can continue to go about their lives safely on this road and that the requests I have made today are secured and confirmed.

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

I have a response drafted by officers which I'll read out and then some extra I've added.

The Project Team will be liaising with Key Stakeholders to develop both a Temporary Traffic Management Plan and Communications Plan before the scheme's Construction commencement phase. These will be carefully monitored during construction and amended as necessary.

Dorset Council is aware of the impact closing the C13, back in 2014 by Dorset County Council, had on local communities. The uproar was so great that it reopened less than a year later despite the safety concerns. The remediation works detailed later in the agenda are necessary and will undoubtedly cause disruption. I'd like to thank Cllr Somper for finding the time to meet with me yesterday and commit to working with her to minimise, to the maximum practicable extent possible, the impact on residents arising from the C13 temporary closure.