

Mr Jeffrey Penfold  
National Planning Casework Unit  
5 St Philips Place  
Colmore Row  
Birmingham  
B3 2PW

By email: [npcu@communities.gsi.gov.uk](mailto:npcu@communities.gsi.gov.uk)  
By email: [jeffrey.penfold@communities.gsi.gov.uk](mailto:jeffrey.penfold@communities.gsi.gov.uk)

3 February 2015

Dear Mr Penfold

**Request for call-in under Section 77 of the Town and Country Planning Act 1990 (as amended)  
Planning application reference: 1/D/12/001664: Construction of circa 24MW solar park at Rampisham  
Down Radio Transmission Station, Rampisham, Dorchester DT2 0HS.**

We write to request that the Secretary of State issues a direction under section 77 of the Town and Country Planning Act 1990 (as amended) (TCPA 1990) requiring West Dorset District Council (the Council) to refer the above application to him for his own determination. The application would result in the direct loss of approximately 40.5ha of lowland acid grassland, equating to over half of the Rampisham Down Site of Special Scientific Interest (SSSI). The RSPB is extremely concerned about the implications of allowing development which would contravene national planning and wildlife protection policies. We support the detailed comments made by Natural England and the Dorset Wildlife Trust in relation to the unacceptable level of damage on the nationally important Rampisham Down SSSI and the scope for siting this solar farm application on an alternative less ecologically harmful site.

The RSPB is in no doubt that this application raises important issues of national significance, which should be scrutinised at a public inquiry conducted by an independent Inspector before being decided by the Secretary of State. There are many parallels with the development proposals at the Chattenden Woods and Lodge Hill SSSI in Kent, and damaging a large proportion of a SSSI clearly involves matters of significant national interest and is in breach of the Government's own policy. It is our view that the following 'Caborn principles' as examples of when call-in powers might be used, are met:

- a) A **conflict with national policies** on important matters, here in respect of policies for the protection of national wildlife sites as set out in the National Planning Policy Framework (NPPF);
- b) In addition this application conflicts with the legal protection afforded SSSIs by the Wildlife and Countryside Act 1981 (as amended);
- c) As an application that could have **significant effects beyond the immediate locality**, the Council's decision is a key test of the NPPF and could dangerously undermine Government policy if it goes ahead setting a precedent for damaging SSSIs across England; and
- d) The application has given rise to **substantial cross-boundary or national controversy**. There has been considerable alarm from concerned members of the public regarding the issue of proposed developments on SSSIs. Over 12,000 requests to 'call in' the application at Lodge Hill have been made from across the UK. These requests reflect the national alarm over this issue.

South West England  
Regional Office  
Keble House  
Southernhay Gardens  
Exeter  
EX1 1NT

Tel 01392 432691  
Fax 01392 453750

[rspb.org.uk](http://rspb.org.uk)



The RSPB is part of BirdLife International  
a partnership of conservation organisations  
working to give nature a home around the world.

## **Conflict with national policy**

The Council's decision is in conflict with the Government's policy to protect SSSIs as set out in the NPPF and most recently re-stated in answer to the Parliamentary Question on SSSIs (House of Commons, Hansard 7 May 2014: Column 214W (a copy of which is attached at Appendix 1) that there is a "... very strong presumption against developing SSSIs in both primary legislation, the National Planning Policy Framework and previous guidance". This policy has been and continues to be central to protecting SSSIs from damaging development. Paragraph 118 of the NPPF sets out the policies in relation to the conservation and enhancement of biodiversity generally and SSSIs specifically:

*"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;...."*

In exceptional circumstances development on a SSSI can be possible (even if it may not be desirable), but the tests set out in the first two bullet points of paragraph 118 are intended to ensure that these special places are only damaged:

- a) where there really is no alternative location for the development; and
- b) where the benefits of development at that site clearly outweigh both the impacts on the features of the SSSI itself and any broader impacts on the national network of SSSIs.

We do not consider that the tests set out above can be passed considering the information available about this application. The RSPB supports Natural England's comments that there has not been adequate consideration of alternative sites.

Part of the justification for the Council's decision is that the site is Brownfield or 'Previously Developed Land' (PDL), which led to the incorrect application of the NPPF in support of the Council's decision. The RSPB supports Natural England's comments in relation to PDL and that the principles and policies in relation to development of PDL do not apply to land that is 'of high environmental value' (paragraph 17, NPPF). The site's very 'high environmental value' has been confirmed by Natural England through its notification of the site as a SSSI on 22 August 2013.

## **Conclusion**

Rampisham Down SSSI is a nationally important wildlife site. In light of the declines in lowland acid grassland, the safeguarding of such a key site should be paramount and its destruction not permitted. Given the scale of proposed damage to the SSSI and the potential implications for the national network of SSSIs, it is clear that for the reasons we have explained in this letter the decision on the application should be made by the Secretary of State, following independent scrutiny by an Inspector at a public inquiry.

Yours sincerely

A handwritten signature in black ink on a light blue background. The signature reads "Tony Richardson" in a cursive, flowing script.

Tony Richardson  
South West Regional Director

Enc. Appendix 1, Parliamentary Question on SSSIs (House of Commons, Hansard 7 May 2014: Column 214W)