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# **Report on the Pimperne Neighbourhood Plan Review 2016 - 2031**

**An Examination undertaken for Dorset Council with the support of  
Pimperne Parish Council on the June 2022 submission version of the  
Plan.**

Independent Examiner: Andrew Mead BSc (Hons) MRTPI MIQ

Date of Report: 27 September 2022

## Contents

<b>Main Findings - Executive Summary</b> .....	3
1. Introduction and Context .....	3
Pimperne Neighbourhood Plan Review 2016–2031 .....	3
The Independent Examiner .....	4
Submitted Documents .....	4
Planning Policy Context.....	4
2. Procedural Considerations.....	5
Initial Determination.....	5
The Scope of the Examination .....	6
The Basic Conditions.....	7
Site Visit .....	8
Written Representations with or without Public Hearing .....	8
Examiner Modifications .....	8
3. Procedural Compliance and Human Rights .....	8
Qualifying Body and Neighbourhood Plan Area .....	8
Plan Period.....	8
Neighbourhood Plan Preparation and Consultation.....	8
Development and Use of Land.....	9
Excluded Development .....	9
Human Rights .....	9
4. Compliance with the Basic Conditions .....	9
EU Obligations.....	9
Main Issues.....	10
Policy Modifications (Policies LC, LWCPs, LDC, MHN, CF, DC, & SB) .....	10
Unchanged Policies (Policies LGS, MEN, HSA1, HSA2 & HSA3) .....	12
Alterations to the Text and Policies Maps .....	13
All Other Matters .....	14
5. Conclusions.....	14
<i>Summary</i> .....	14
Recommendation.....	14
Appendix: Modifications .....	15

## Main Findings - Executive Summary

I made an initial determination on 26 August 2022 that the modifications contained in the draft Pimperne Neighbourhood Plan Review (the draft Plan/Review) are not so significant or substantial as to change the nature of the neighbourhood plan which the draft Plan would replace.

From my examination of the draft Plan and its supporting documentation including the representations made, I have concluded that subject to the Examiner Modifications (**EMs**) set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Pimperne Parish Council;
- The Plan has been prepared for an area properly designated – the Parish of Pimperne, as shown on Map 1 (page 3) of the Plan;
- The Plan specifies the period during which it is to take effect – 2016 to 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

Therefore, I recommend that the local planning authority should make the Plan with the EMs specified in the report (there will be no statutory requirement for a referendum).

## 1. Introduction and Context

### Pimperne Neighbourhood Plan Review 2016–2031

- 1.1 The Parish of Pimperne, which has a population of about 1,100 people<sup>1</sup>, adjoins the northern boundary of Blandford Forum. It contains the village of Pimperne, lying along the A354 heading north eastwards towards Salisbury. It is the subject of the Pimperne Neighbourhood Plan 2016 – 2031 which was “made” (approved and adopted) in January 2021.
- 1.2 In May 2021, Pimperne Parish Council (PPC) decided to review the made Plan. A consultation exercise determined that the local residents felt that there was no obvious need to amend the Plan significantly. Some existing policies could be amended but no new policies should be added.

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<sup>1</sup> Pimperne Neighbourhood Plan Review: paragraph 17.

## The Independent Examiner

- 1.3 As the draft Plan has now reached the examination stage, I have been appointed as the examiner of the Pimperne Neighbourhood Plan Review by Dorset Council (DC), with the agreement of PPC.
- 1.4 I am a chartered town planner and former government Planning Inspector with over forty years' experience and I have examined many neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

## Submitted Documents

- 1.5 I have considered all policy, guidance and other reference documents relevant to the examination, including:
- the draft Pimperne Neighbourhood Plan 2016 – 2031, June 2022, as proposed to be modified;
  - the summary of proposals and reasons for the modifications as set out in the Plan<sup>2</sup>;
  - the Pimperne Neighbourhood Plan Review Modifications Statement, June 2022;
  - the statement from Dorset Council on the nature of the proposed modifications, August 2022;
  - Map 1 on page 3 of the Plan, which identifies the area to which the proposed Neighbourhood Plan relates;
  - A copy of the extant Pimperne Neighbourhood Plan 2016 – 2031, as made;
  - the Consultation Statement, dated May 2022;
  - the Basic Conditions Report, dated June 2022;
  - the Strategic Environmental Assessment Screening Determination, November 2021 (updated May 2022), together with the Strategic Environmental Assessment – Determination Statement;
  - all the representations that have been made in accordance with the Regulation 16<sup>3</sup> consultation; and
  - the request for additional clarification sought in my letter of 26 August 2022 and the respective responses, both dated 13 September 2022, from PPC and DC.<sup>4</sup>

## Planning Policy Context

- 1.6 The Development Plan for this part of Dorset Council, not including documents relating to excluded minerals and waste development, includes the North Dorset Local Plan Part 1 (NDLP) adopted in 2016. The Local Plan was produced by the former North Dorset District Council (NDDC).

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<sup>2</sup> See paragraph 2.3 below.

<sup>3</sup> Neighbourhood Planning (General) Regulations 2012 (as amended) (“the 2012 Regulations”).

<sup>4</sup> View all the all the relevant Plan documentation, including the core submission documents and correspondence at: [Pimperne Neighbourhood Plan - Dorset Council](#)  
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- 1.7 The NDLP is being replaced by the Dorset Council Local Plan (DCLP), consultation on the first draft of which closed in March 2021. One of the proposals indicated in the DCLP is for the expansion of Blandford Forum to the north-east (BLAN7) which would comprise mixed use development including 680 dwellings and 4.7 ha of employment land.<sup>5</sup> Part of the BLAN7 allocation falls within Pimperne Parish.
- 1.8 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published in July 2021 and all references in this report are to the July 2021 NPPF and its accompanying PPG.

## 2. Procedural Considerations

### Initial Determination

- 2.1 As the draft Plan has been submitted as a review, I was required to undertake an initial determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”) as to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the Neighbourhood Development Plan which the draft Plan would replace.
- 2.2 The purpose of the determination is to establish whether the modification proposal can be examined under the streamlined process for the making of the draft Plan set out in Schedule A2 of the 2004 Act or, in the event that the proposal contains material modifications which do change the nature of the Plan, it would be examined under the process set out in Schedule 4B of the Planning Act 1990 (as amended), requiring an examination and a referendum.
- 2.3 To inform this determination, I considered all the relevant submitted documents and representations. In particular:
- the Consultation Statement, which demonstrates that PPC alerted respondents to the nature of the changes being made to the Plan through the Review;
  - paragraph 14<sup>6</sup> of the submission draft Plan (Regulation 15) within the section “How this Plan was prepared”, which explains the reasons for reviewing the Neighbourhood Plan, stating that some modest changes

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<sup>5</sup> Dorset Council Local Plan Options Consultations Document Volume 2 South Eastern Dorset (January 2021) Fig 7.3 page 9 & proposed allocation Land north-east of Blandford Forum pages 38 – 40.

<sup>6</sup> Page 2 of the Plan.

have been made, along with the more detailed Pimperne Neighbourhood Plan Review Modifications Statement, June 2022<sup>7</sup>;

- the written statement on this matter provided by Dorset Council to comply with Regulation 17(e)(ii).

- 2.4 The draft Plan does not propose any significant changes, the main ones being minor alterations to Policies LC (Landscape Character), LDC (Locally Distinct Character), Map 4 associated with LWCPS (Local Wildlife Corridors and Protected Species), MHN (Meeting Housing Needs), CF (Community Facilities), DC (Developer Contributions for Social Infrastructure), SB (Settlement Boundary) and factual updates. In their Modifications Statement, Pimperne Parish Council consider that the proposed modifications are not so significant or substantial as to change the nature of the Plan. Similarly, Dorset Council has compared the policies in the made Plan with those of the submitted Review and concluded that whilst the changes constitute material modifications, they do not change the nature of the Plan and accordingly will require examination but not a referendum.
- 2.5 I set out my determination in my procedural letter of 26 August 2022 to Dorset Council and Pimperne Parish Council. I am content that the modifications proposed in the draft Plan are material but are not so significant or substantial as to change the nature of the Neighbourhood Development Plan which the draft Plan would replace. Therefore, I have conducted this examination in accordance with the relevant provisions in Schedule A2 to the 2004 Act, which I set out below.

### The Scope of the Examination

- 2.6 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the local planning authority should make the draft plan; or
  - (b) that the local planning authority should make the draft plan with the modifications specified in this report; or
  - (c) that the local planning authority should not make the draft plan.
- 2.7 The scope of the examination is set out in Paragraph 11(1) of Schedule A2 to the 2004 Act. The examiner must consider:
- Whether the plan meets the Basic Conditions.
  - Whether the plan complies with provisions under s.38A and s.38B of the 2004 Act. These are:

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<sup>7</sup> I consider, in essence, PPC has sought to substantially comply with the requirements of Regulations 14(a)(v) and 15(1)(f).

- it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development'; and
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Such matters as prescribed in the 2012 Regulations.

2.8 I have considered only matters that fall within Paragraph 11(1) of Schedule A2 to the 2004 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### The Basic Conditions

2.9 The 'Basic Conditions' are set out in Paragraph 11(2) of Schedule A2 to the 2004 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law)<sup>8</sup>; and
- meet prescribed conditions and comply with prescribed matters.

2.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the 2017 Regulations').<sup>9</sup>

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<sup>8</sup> The existing body of environmental regulation is retained in UK law.

<sup>9</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

## Site Visit

- 2.11 I made an unaccompanied site inspection to the Pimperne Neighbourhood Plan area on 31 August 2022 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

## Written Representations with or without Public Hearing

- 2.12 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan. No requests for a hearing session were received.

## Examiner Modifications

- 2.13 Where necessary, I have specified Examiner Modifications to the Plan (**EMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix to this report.

## 3. Procedural Compliance and Human Rights

### Qualifying Body and Neighbourhood Plan Area

- 3.1 The Pimperne Neighbourhood Plan Review has been prepared and submitted for examination by PPC, which is the qualifying body. The Pimperne Neighbourhood Plan Review extends over all the Pimperne Parish. This constitutes the area of the Plan designated by NDDC in 2014, replaced by Dorset Council on 1 April 2019 which carries over the statutory designation.

### Plan Period

- 3.2 The Plan specifies the Plan period as 2016 to 2031.

### Neighbourhood Plan Preparation and Consultation

- 3.3 The Consultation Statement (CS) indicates the stages of the preparation of the Plan and the consultation events and activities which took place during the period from the initial survey in September 2021, to the end of the Regulation 14 Consultation in early 2022.
- 3.4 The Pre-Submission Plan was published for consultation under Regulation 14 of the 2012 Regulations on 14 January 2022 for a period of six weeks until 28 February 2022. Pages 9 – 26 of the CS summarise the numerous responses from statutory consultees, members of the public and other stakeholders together with the response from the NP Group on behalf of PPC and any proposed changes to the Plan.

- 3.5 At the Regulation 16 stage, between 1 July and 12 August 2022, representations were received from 5 different parties. The majority of these were statutory consultees, although one substantial response was made by planning consultants on behalf of a developer.
- 3.6 I confirm that the legal requirements have been met by the consultation process. In addition, there has been regard to the advice in PPG on plan preparation and engagement.

#### Development and Use of Land

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

#### Excluded Development

- 3.8 The Plan does not include provisions and policies for 'excluded development'.

#### Human Rights

- 3.9 The Basic Conditions Statement (BCS) advises that no issues have been raised in relation to the possible contravention of Human Rights in the preceding consultations and, given the conclusions on the Plan's general conformity with the strategic policies of the Local Plan and regard to national planning policy, it is reasonable to conclude that the making of the Plan should not breach human rights. I have considered this matter independently and I have found no reason to disagree with the statement in the BCS and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

### 4. Compliance with the Basic Conditions

#### EU Obligations

- 4.1 The Pimperne Neighbourhood Plan Review was screened for Strategic Environmental Assessment (SEA) by Dorset Council, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Determination, November 2021 (updated May 2022), together with the Strategic Environmental Assessment – Determination Statement, I support this conclusion.
- 4.2 The Neighbourhood Plan Review was also screened for Habitats Regulations Assessment (HRA), which was not triggered. Natural England agreed with this conclusion.<sup>10</sup> From my independent assessment of this

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<sup>10</sup> Email from Natural England, dated 20 December 2021.

matter, I have no reason to disagree. Therefore, I am satisfied that the Pimperne Neighbourhood Plan Review is compatible with EU obligations.

## Main Issues

- 4.3 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.4 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.<sup>11</sup>
- 4.5 Accordingly, having regard to the Pimperne Neighbourhood Plan Review, the consultation responses, other evidence<sup>12</sup> and the site visit, I consider that the main issues in this examination are whether the draft Plan's policies: (i) have regard to national policy and guidance; (ii) are in general conformity with the adopted strategic planning policies; and (iii) would contribute to the achievement of sustainable development. I shall consider firstly the modified policies and, secondly, the unchanged policies to ensure they remain compliant.

## Policy Modifications (Policies LC, LWCPs, LDC, MHN, CF, DC, & SB)

- 4.6 **Policy LC:** Landscape Character has introduced the qualification of justification by exceptional circumstances for development in the Cranborne Chase and Dorset Areas of Outstanding Natural Beauty (AONBs). However, national guidance in NPPF (paragraph 177) limits the exceptional circumstances test to major development, the definition of which is explained in footnote 60 to paragraph 177. Therefore, I shall recommend modifying the policy by the inclusion of an appropriate phrase in criterion (i) of Policy LC. (**EM1**)
- 4.7 Other amendments to Policy LC are minor, except for the addition of new criterion (i) which requires that development should respect the historic character of the landscape and which has regard to national guidance<sup>13</sup> and generally conforms with Policy 5 of the NDLP. Therefore, overall, I

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<sup>11</sup> PPG Reference ID: 41-041-20140306.

<sup>12</sup> The other evidence includes the responses from PPC and DC, both dated 13 September 2022, to the questions in my letter of 26 August 2022.

<sup>13</sup> NPPF: paragraph 190.

consider that Policy LC, with the recommended modification, has regard to national guidance<sup>14</sup>, generally conforms with strategic policies and meets the Basic Conditions.

- 4.8 **Policy LWCPs** considers Local Wildlife Corridors and Protected Species. The existing and potential local ecological network is identified on Map 4, which has been updated to reflect the latest evidence on ecological potential within the Parish. The policy continues to have regard to national guidance<sup>15</sup>, to generally conform with Policy 4 of the NDLP and to meet the Basic Conditions.
- 4.9 **Policy LDC** considers Locally Distinct Character and Future Proofing. Three requirements c), d), and e) are added to a) and b) which are currently in the made Plan. They deal with zero carbon homes, trees and parking respectively. The support expressed for zero carbon homes in requirement c) would have regard to national guidance<sup>16</sup> and would generally conform with Policy 3 of the NDLP. Whereas the new requirement is criticised in representations, the addition includes sufficient flexibility to ensure that the traditional vernacular may be retained depending on the circumstances of the case.
- 4.10 Requirement d) seeking space for trees in street layouts and individual plots has regard to national guidance<sup>17</sup> and generally conforms with Policy 15 of the NDLP. Requirement e) considers parking provision and includes the need to meet or exceed the county car parking guidelines and make provision for electric vehicle charging points. The requirement also proposes that garages should generally be designed as open car ports or car barns so that they cannot be re-purposed for storage and multiple “in line” parking spaces should be avoided.
- 4.11 The NDLP recognises that many garages are used for storage, rather than for keeping a vehicle, and often this is because of their limited size.<sup>18</sup> However, I consider that to require garages to be designed as open car ports is unacceptably restrictive, would inhibit flexibility and not have regard to the aims of well-designed places advised in national guidance. Therefore, I shall recommend deleting that particular phrase from e) (**EM2**) and consequently Policy LDC would have regard to national guidance, generally conform with strategic policies and meet the Basic Conditions.
- 4.12 **Policy MHN: Meeting Housing Need** provides for at least 61 additional homes within the period of the Plan which ends in 2031, an increase from “at least 41 dwellings” in the made Plan. The policy also allocates land for residential development as shown on Map 6, aims to resist open market

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<sup>14</sup> NPPF: paragraphs 174, 177 & 190.

<sup>15</sup> NPPF: paragraphs 174 & 179.

<sup>16</sup> NPPF: paragraph 152.

<sup>17</sup> NPPF: paragraph 131.

<sup>18</sup> NDLP Part 1: paragraph 10.48.

housing outside the settlement boundary, considers affordable housing and deals with housing mix.

- 4.13 The emerging DCLP indicates a proposed housing requirement figure of 276 dwellings in Pimperne Parish for the period up to 2038 and shows a strategic allocation, BLN7, north-east of Blandford Forum, a large portion of which extends into the area of the Neighbourhood Plan. Representations recommended that additional land is allocated for housing development in the Neighbourhood Plan to ensure the housing requirement is met in full, with an area south-west of Letton Park being identified as suitable.
- 4.14 However, I agree with Dorset Council that the early stage of preparation of the DCLP means that the requirement figure should only be given limited weight as it is not yet final. Therefore, the Parish Council as the qualifying body, is entitled to determine its own housing requirements as explained in paragraph 76 of the Neighbourhood Plan and I agree that the number of dwellings should remain as "at least 61".
- 4.15 The additional sentence within clause d) of Policy MHN which deals with affordable housing has regard to national guidance<sup>19</sup> for affordable homes on larger development sites. Therefore, overall, Policy MHN has regard to national guidance, generally confirms with the strategic policies for the area in the NDLP and meets the Basic Conditions.
- 4.16 Clauses a) and b) of **Policy CF**: Community Facilities have been updated to reflect the closure of the shop and the Farquharson Arms public house and are minor factual changes.
- 4.17 The road safety item in **Policy DC**: Developer Contributions for Social Infrastructure has been amended to include a reference to a 20 mph zone within the village. Dorset Council considers it should be described as north and west of the A354 in order to be accurate and I agree. (**EM3**)
- 4.18 An additional sentence is included in **Policy SB**: Settlement Boundary which states that development outside the boundary will be treated as "countryside" in respect of Local Plan policies. It is a minor addition to the policy which has regard to national guidance<sup>20</sup>, generally conforms with Policies 2, 6 and 20 of the NDLP and meets the Basic Conditions.

#### Unchanged Policies (Policies LGS, MEN, HSA1, HSA2 & HSA3)

- 4.19 Aside from the seven modified policies, the other five policies in the made Plan remain unchanged and each has regard to national guidance, generally conforms with the strategic policies of the NDLP, would contribute to the achievement of sustainable development and meets the Basic Conditions.

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<sup>19</sup> NPPF: paragraph 65.

<sup>20</sup> NPPF: paragraphs 78 & 79.

4.20 The housing allocations in the Plan are shown on Map 6 and referred to in Policies HSA1, HSA2 and HSA3. I note that HSA2: Land north of Manor Farm Close is being developed and nearing completion. However, the site analysis on page 28 and the subsequent policy each have a useful function in setting the scene within the Plan, and may offer guidance should there be any planning applications for varying a planning condition or alterations to any of the dwellings. Therefore, whilst noting the suggestion from Dorset Council that the section might be deleted, I am not persuaded that a deletion is necessary in this instance in order to meet the Basic Conditions.

4.21 The following table sets out the details of how each policy has regard to national guidance and with which policy in the NDLP it generally conforms, to enable the Basic Conditions to be met.

Table 1.

Policy	Subject	National guidance (NPPF paragraph number)	NDLP Policy
LGS	Local Green Space	101 – 103.	Policy 15.
MEN	Meeting Employment Needs	84 – 85.	Policy 11.
HSA1	Housing Site Allocation 1	78 – 79.	Policies 2, 6 & 20.
HSA2	Housing Site Allocation 2	78 – 79.	Policies 2, 6 & 20.
HSA3	Housing Site Allocation 3	78 – 79.	Policies 2, 6 & 20.

4.22 There are no additional policies in the Review Plan.

#### Alterations to the Text and Policies Maps

4.23 As indicated by Dorset Council in its Regulation 16 representation, the Plan text has been amended in several places. These are helpful factual updates and constitute minor changes which do not affect the Basic Conditions. Dorset Council also helpfully indicated where there might be some further updates or corrections. The Cranborne Chase AONB Partnership Board identified two minor editorial adjustments which could be made to paragraph 20 and Policy LC. In addition, there may be further typos such as replacing “Map 5” with “Map 6” in Policies HSA1, HSA2 and HSA3 which had not been previously identified. None of these alterations would affect the ability of the Plan to meet the Basic Conditions and could be undertaken as minor, non-material changes.<sup>21</sup>

<sup>21</sup> PPG Reference ID: 41-106-20190509.

## All Other Matters

4.24 In this examination, I have focussed on differences in the policies between the made Neighbourhood Plan and the Review. Nevertheless, I have considered afresh the whole of the draft Plan.<sup>22</sup> I have reviewed each policy in terms of its consistency with national policy and guidance and general conformity with the strategic policies in the Development Plan. Other than the issues that are discussed above, I am satisfied that there are no other matters which affect the Basic Conditions.

## 5. Conclusions

### *Summary*

- 5.1 The Pimperne Neighbourhood Plan Review has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the draft Plan meets the Basic Conditions and other legal requirements. I have had regard to all the responses made following consultation on the draft Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have set out three recommended modifications to Policies LC, LDC and DC to ensure the Plan meets the Basic Conditions and other legal requirements.

### *Recommendation*

- 5.3 I recommend that Dorset Council should make the draft Plan with the modifications specified in the Appendix to this report.
- 5.4 It is evident that a great deal of thought and effort has been devoted to the development and speedy production of the Review of the Plan and I congratulate those referred to in paragraph 15 who were involved. The updated Plan should prove a useful tool for future planning and change in the Parish of Pimperne over the coming years, especially in the light of the emerging DCLP and the expansion of Blandford Forum.

*Andy Mead*

Examiner

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<sup>22</sup> See paragraph 2.7 above.

## Appendix: Modifications

<b>Examiner Modification no. (EM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
EM1	Policy LC	Criterion (i) Add the phrase "... Cranborne Chase and Dorset AONBs unless, <b>in the case of major development</b> , this is justified by exceptional circumstances and it is clearly in the public interest...".
EM2	Policy LDC	Amend the second sentence of e) to: "Multiple 'in-line' parking spaces should be avoided, particularly in locations where there is limited on-street parking available."
EM3	Policy DC	Amend 4 <sup>th</sup> Bullet point to: "Road Safety – 20 mph zone within the village <b>north and</b> west of the A354."