



Intelligent Plans
and examinations

Report on the Sturminster Marshall Neighbourhood Plan 2023 – 2033

**An Examination undertaken for Dorset Council with the support of
Sturminster Marshall Parish Council on the December 2023 submission
version of the Plan.**

Independent Examiner: Andrew Mead BSc (Hons) MRTPI MIQ

Date of Report: 8 May 2024

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Main Findings - Executive Summary

From my examination of the Sturminster Marshall Neighbourhood Plan (SMNP/the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications 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 Sturminster Marshall Parish Council;
- The Plan has been prepared for an area properly designated – the Sturminster Marshall Neighbourhood Area as shown on Map 1 on page 3 of the Neighbourhood Plan;
- The Plan specifies the period during which it is to take effect: 2023 - 2033; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Sturminster Marshall Neighbourhood Plan 2023–2033

- 1.1 Sturminster Marshall is located about 10km south east of Blandford Forum and 13km from Poole, towns connected by the A350 which forms a link between the M4 and the channel port and which passes through the parish just to the west of the main part of the village. The A31, which links the M27 with Dorchester and beyond, forms a junction with the A350 just to the south of Sturminster Marshall. In 2021, the population of Sturminster parish was 1,971.¹
- 1.2 The preparation of a neighbourhood plan for Sturminster Marshall began in 2018 following a resolution by Sturminster Marshall Parish Council (SMPC). A Steering Group was formed, evidence was collected and consultations were held during the subsequent years. The final version of the Plan was submitted to Dorset Council (DC) in January 2024, representing over 5 years work for those involved.

¹ 2021 Census.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the SMNP by DC with the agreement of SMPC.
- 1.4 I am a chartered town planner and former government Planning Inspector and have experience of examining 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.

The Scope of the Examination

- 1.5 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 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 Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - 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.
 - Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.

- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 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)²; and
 - meet prescribed conditions and comply with prescribed matters.
- 1.9 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 of Part 6 of the Conservation of Habitats and Species Regulations 2017.³

2. Approach to the Examination

Planning Policy Context

- 2.1 The current Development Plan for the Sturminster Marshall area, excluding policies relating to minerals and waste development, includes the Christchurch and East Dorset Local Plan Core Strategy (CEDLP) which was adopted by East Dorset District Council in 2014. This is being replaced by the Dorset Council Local Plan. The recently adopted Local Development Scheme for Dorset Council suggests an adoption date for the Local Plan of May 2027.

² The existing body of environmental regulation is retained in UK law.

³ 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.

2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF).⁴ In addition, the Planning Practice Guidance (PPG) offers advice on how the NPPF should be implemented.

Submitted Documents

2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, as well as those submitted which include:

- the draft Sturminster Marshall Neighbourhood Plan 2023 –2033 (December 2023 submission version);
- the map on page 3 of the Plan which identifies the area to which the proposed Neighbourhood Plan relates;
- the Consultation Statement (November 2023);
- the Basic Conditions Report (November 2023);
- the Strategic Environmental Assessment (SEA) (January 2024);
- the report to inform Habitats Regulation Assessment (HRA) (June 2023);
- Design guidance and codes (April 2023);
- Site options and assessment (June 2021);
- Local Green Spaces Report (June 2021);
- Housing Needs Assessment (December 2020);
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the joint response to the questions of clarification in my letter of 18 March dated 2 April 2024, the response to my letter of 8 April 2024 dated 10 April 2024, and the further letter sent by DC dated 15 April 2024 from Natural England.⁵

Site Visit

2.4 I made an unaccompanied site inspection to the SMNP area on 15 March 2024 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.5 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 and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing session were received.

⁴ A new version of the NPPF was published in December 2023. All references in this report read across to the latest December 2023 version. See also paragraph 4.30 below and PM13.

⁵ View all the documents at: <https://www.dorsetcouncil.gov.uk/web/guest/-/sturminster-marshall-neighbourhood-plan>

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) 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 SMNP has been prepared and submitted for examination by the SMPC, which is a qualifying body. The SMNP extends over all the parish designated by DC in April 2019.

Plan Period

- 3.2 The Plan period is from 2023 to 2033 as clearly stated on the front cover.

Neighbourhood Development Plan Preparation and Consultation

- 3.3 The comprehensive Consultation Statement (CS) describes the thorough preparation of the Plan with involvement of the public and various stakeholders at the stages of the process. The Community Consultations on pages 2 to 10 of the CS lists the many events at which the Plan was publicised, covering the period from 2018 until 2023, when the pre-submission consultation took place.
- 3.4 The pre-submission Plan was published for consultation under Regulation 14 of the 2012 Regulations from 16 June until 28 July 2023. An overview of the analysis of responses made by statutory consultees and members of the public, and the matters raised, are summarised on pages 6 to 11 of the CS. The comments of the Steering Group and any resulting changes to the Plan are described in detail in the tables on pages 13 to 40 of the CS.
- 3.5 The final version of the Plan was submitted to DC in January 2024. Consultation in accordance with Regulation 16 was carried out from 19 January 2024 until 1 March 2024. 10 responses were received including those from DC about the Plan. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the SMNP, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.6 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

- 3.7 The Plan does not include provisions and policies for 'excluded development'.⁶

Human Rights

- 3.8 I have read the Basic Conditions Report (BCR) which states that no issues have been raised in relation to the possible contravention of Human Rights. These are fundamental rights and freedoms guaranteed under the European Convention on Human Rights. I am aware from the CS that considerable emphasis was placed throughout the consultation process to ensure that no sections of the community were isolated or excluded. I have considered this matter independently 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 BCR notes that a Strategic Environmental Assessment (SEA) under EU Directive 2001/42/EC and The Environmental Assessment of Plans and Programmes Regulations (2004), was prepared. The SEA concluded that the Plan would have positive effects in relation to the SEA Themes of "Population and Community", "Health and Wellbeing", "Landscape", "Historic Environment", "Biodiversity and Geodiversity", "Transportation", Land, Soil and Water Resources" and "Climate Change", the latter dependant on proposals incorporating mitigation and adaption measures through design. Statutory consultees did not dissent from these conclusions.
- 4.2 The Habitats Regulations Assessment (HRA) under EC Habitats Directive 92/43/EEC and the Conservation of Habitats and Species Regulations 2010 (*sic*)⁷ concluded that no adverse impacts to the integrity of internationally designated sites are expected as a result of the policies and proposals within the Plan. Natural England (NE) were consulted in accordance with Regulations 14 and 16 and also consulted about the HRA. NE concurred with the conclusions of the HRA that the Plan can be screened out for further assessment.⁸ I have read the SEA and the HRA report and the other information provided and, having considered the matter independently, I also agree with the conclusions. Therefore, I am satisfied that the SMNP is compatible with EU obligations as retained in UK law.

⁶ See section 61K of the 1990 Act.

⁷ 2017 (SI No. 1012).

⁸ Letter from Natural England, dated 15 April 2024.

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.⁹
- 4.5 Accordingly, having regard to the Sturminster Marshall Neighbourhood Plan, the consultation responses, other evidence and the site visit, I consider that the main issues in this examination are whether the SMNP 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?

Vision and Objectives

- 4.6 The vision and objectives for the SMNP are based on key issues raised by local people during the initial stages of the consultation process. The vision is described in paragraph 3.2.3 on page 10 of the Plan. The vision is then used to develop a series of objectives grouped into six themes which are listed in paragraph 3.3.1 and which set the context for the 23 subsequent land use policies.

CLIMATE CHANGE AND FLOOD RISK

Policy SMNP1. Sustainable Development Standards

- 4.7 Policy SMNP1 seeks to set sustainable development standards for new buildings and large-scale extensions. The policy has regard to national guidance¹⁰, generally conforms with Policies ME3 and ME4 of the CEDLP and meets the Basic Conditions. The updated status of the Sustainability Checklist and Statement, which is now a requirement by DC for certain types of development and referred to in paragraph 4.2.2 of the Plan could be updated as a minor non-material change.¹¹

⁹ PPG Reference ID: 41-041-20140306.

¹⁰ NPPF: paragraphs 131, 158 & 159.

¹¹ See paragraph 4.32 below.

Policy SMNP2. Control of Flooding

- 4.8 Policy SMNP2 aims to prevent new development increasing the risk of flooding. The policy has regard to national guidance¹², generally conforms with Policy ME6 of the CEDLP and meets the Basic Conditions. I note the suggestion by DC about updating Map 3 which indicates where a flood risk assessment is likely to be required. However, in qualifying the map by stating it is a “likelihood”, there is no claim that it is definitive and other data will be available from the local planning authority and the Environment Agency. Indeed, map based data may well be revised during the currency of the Neighbourhood Plan. Therefore, I see no reason to modify the Plan by revising Map 3. Neither do I see a sound reason not to accept the submission of details of the management and maintenance arrangements for flood risk remediation as part of a planning application rather than as part of the implementation package of planning conditions.

Policy SMNP3. Sewage Treatment Works

- 4.9 Policy SMNP3 requires that for major development there needs to be demonstrable capacity in the local sewerage system to accommodate increased flows. The policy has regard to national guidance¹³, contributes to sustainable development and so meets the Basic Conditions.

NATURAL ENVIRONMENT – LANDSCAPES, HABITATS AND WILDLIFE

Policy SMNP4. Maintaining Local Character

- 4.10 Policy SMNP4 aims to retain the rural character of the area. In order to clarify that the policy applies to land outside the existing built up area and not the village of Sturminster Marshall, I shall recommend modifications to the title of the policy and the introductory phrase. **(PM1)** The policy would then have regard to national guidance¹⁴, generally conform with Policy HE3 of the CEDLP and meet the Basic Conditions.

Policy SMNP5. Valued Views

- 4.11 Policy SMNP5 seeks to minimise adverse impacts on publicly accessible views to key landmarks when the layout of development is considered. In order to assist with development management and provide clarity for other users of the Plan, I shall recommend the inclusion of a reference to the map on which key landmarks are shown. **(PM2)** The policy would then have regard to national guidance¹⁵, generally conform with Policy HE3 of the CEDLP and meet the Basic Conditions.

¹² NPPF: paragraphs 165, 167 & 173.

¹³ PPG Reference ID: 34-020-20140306.

¹⁴ NPPF: paragraph 180.

¹⁵ NPPF: paragraphs 104 & 180.

Policy SMNP6. Local Green Spaces, Common Land and Village Greens

- 4.12 Policy SMNP6 seeks to protect common land, village greens and local green spaces (LGS) identified on Map 7 and listed in the policy. LGS designation should only be used where the green space is:
- a) in reasonably close proximity to the community it serves;
 - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - c) local in character and is not an extensive tract of land.¹⁶

LGS should also be capable of enduring beyond the end of the Plan period.¹⁷

- 4.13 I visited each LGS on my inspection of the area and I agree that each LGS meets the designation criteria. However, national guidance (NPPF paragraph 107) states that for managing development, policy in LGS should be the same as in the Green Belt and which allows for development in very special circumstances. Therefore, I shall recommend a modification to Policy SMNP6 which takes that advice into account. **(PM3)** The policy would then have regard to national guidance as referenced above, generally conform with Policy HE4 of the CEDLP and meet the Basic Conditions.

Policy SMNP7. Protecting and Enhancing our Local Wildlife and Habitats

- 4.14 Policy SMNP7 aims to protect local wildlife and habitats. Taking into account the Regulation 16 representations by DC and the response by SMPC to my question of clarification, I shall recommend that the policy is modified as suggested by the Parish Council. **(PM4)** The policy will then have regard to national guidance¹⁸, generally conform with Policy ME1 of the CEDLP and meet the Basic Conditions.

BUILT ENVIRONMENT – HERITAGE AND DESIGN

Policy SMNP8. Locally Important Buildings and Features – Non-Designated Heritage Assets.

- 4.15 Policy SMNP8 aims to safeguard non-designated heritage assets listed in Appendix 5 of the Plan. The policy has regard to national guidance¹⁹, generally conforms with Policy HE1 of the CEDLP and meets the Basic Conditions. I note the typographical error²⁰ in the final sentence of the policy and, to avoid ambiguity, I shall recommend a correction. **(PM5)**

¹⁶ NPPF: paragraph 106.

¹⁷ NPPF: paragraph 105.

¹⁸ NPPF: paragraphs 180 & 185.

¹⁹ NPPF: paragraphs 195 & 209.

²⁰ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

Policy SMNP9. Key Design Principles

- 4.16 Policy SMNP9 states that development is expected to follow the key design principles of the character area in which it is based. This policy is then followed by four more policies which set out design principles: SMNP 10 Layout; SMNP11 Building Form and Scale; SMNP 12 Boundary Treatment and Public Realm; and SMNP13 Materials and Architectural Design.
- 4.17 I raised the issue of making reference to the Sturminster Marshall Design Guidance and Codes (SMDGC) in Policy SMNP9 and I note the replies of SMPC and DC to my question. It seems to me that the AECOM report, which formed the basis of the SMDGC, did not receive the degree of publicity accorded to the Plan albeit the report could be accessed via the internet and was a supporting document available for the Regulation 16 consultation. Therefore, considering that the design policies of the Plan draw on the elements of the SMDGC, I do not believe there should be additional references to it, notwithstanding the initial suggestions by DC in the Regulation 16 response and my clarification question to the Councils. I shall recommend that the role of the SMCGC is explained in the supporting text in Section 2.3. **(PM6)**
- 4.18 Policy SMNP9 has regard to national guidance²¹, generally conforms with Policy HE2 of the CEDLP and meets the Basic Conditions. The first phrase in Policy SMNP10 is "As a general rule ...", which is superfluous and ambiguous. Therefore, I shall recommend deleting it together with the same phrase in Policies SMNP11, and SMNP13. Policy SMNP10 includes items which are either ambiguous or incompatible and, following the reasoning in the DC Regulation 16 comments, I shall recommend modifications. Finally, Policy SMNP12 (third bullet point) should refer to the "adopted" Local Plan. Subject to those modifications **(PM7, PM8, PM9 and PM10)**, Policies SMNP10 – SMNP13 would each have regard to national guidance²², generally conform with Policy HE2 of the CEDLP and meet the Basic Conditions.

HOMES AND BUSINESSES

Policy SMNP14. Housing Types

- 4.19 Policy SMNP14 states that new housing developments should seek to meet the housing needs priorities of Sturminster Marshall parish. The policy then sets out requirements for affordable housing and market housing. In order to overcome ambiguity within the policy, I invited SMPC to redraft it. A rephrased version of the policy was submitted in the response of 2 April 2024, which had the support of DC, and which I shall recommend as a modification **(PM11)**, subject to the exclusion of the final item iii) which seeks clearly identifiable space within the design of new housing to facilitate home working. I consider that the requirement for home working space to be designed into new housing is too prescriptive. Home working

²¹ NPPF: paragraphs 135 & 139.

²² NPPF: paragraphs 135 & 139.

space can be found in various flexible locations within a house or curtilage depending on the size of a household, whether it includes children or elderly relatives and the layout of habitable rooms. Policy SMNP14 would then have regard to national guidance²³, generally conform with Policies LN1 and LN3 of the CEDLP and meet the Basic Conditions.

Policy SMNP15. Rural Exception Sites for Affordable Housing

4.20 Policy SMNP15 describes the circumstances whereby rural exception sites for affordable housing will be supported. The policy has regard to national guidance²⁴, generally conforms with Policy LN4 of the CEDLP and meets the Basic Conditions.

Policy SMNP16. Supporting Local Employment Opportunities

4.21 Policy SMNP16 seeks to retain the existing employment sites shown on Map 15 of the Plan and supports their small-scale expansion. The policy has regard to national guidance²⁵, generally conforms with Policies PC1, PC4 and RA1 of the CEDLP and meets the Basic Conditions.

COMMUNITY FACILITIES

Policy SMNP17. Supporting and Improving Community Facilities

4.22 Policy SMNP17 supports development proposals which would improve the provision of community facilities in a manner in keeping with the character of the area. A list of community facilities is included in the policy of which the aim is to retain. DC commented that the policy is more like a set of community aspirations, but I disagree and consider that there is distinct land use policy phraseology and intentions. The policy has regard to national guidance²⁶, generally conforms with Policy PC5 of the CEDLP and meets the Basic Conditions.

Policy SMNP18. Sports and Recreation Area – Land at Station Road

4.23 SMNP18 states that the following needs of the community should be met within land at Station Road: allotments, a Multi Use Games Area, a skate park and car parking to serve the sports and recreation facilities. This area is shown on Figure 21 of the Plan. DC expressed concern about the policy, commenting that it is contrary to the NPPF in that plans should be prepared positively, in a way that is aspirational but deliverable.²⁷ Wyatt Homes, the developer currently interested in the site for housing, considered that the policy should be deleted.

²³ NPPF: paragraphs 63, 65 & 66.

²⁴ NPPF: paragraphs 60, 82, 153 & 154.

²⁵ NPPF: paragraphs 88 & 153.

²⁶ NPPF: paragraph 88.

²⁷ NPPF: paragraph 16(b).

- 4.24 SMPC suggested that the policy could be amended by the inclusion of the estimated land take for each of the community uses which would total about 0.5 ha plus related car parking. The SMPC also emphasised that the phrasing of the policy meant that the community uses would be located within the 3.2ha site and not occupy all of it. Nevertheless, I consider that even if the area which would be needed for the community uses could be agreed between the various stakeholders, there is no evidence that it is deliverable.
- 4.25 I realise that the Dorset Council Local Plan has recently proposed housing at this site and two other sites in Sturminster Marshall and it may be that as the Local Plan progresses there is a dialogue about which community uses should be provided and where they should be located in relation to any new housing allocations. I agree that the Station Road site appears suitable for community uses, but I am not convinced that being readily visible is an attribute for the location of allotments which at 0.4ha form over 75% of the size of the land sought. Although the site is identified for public open space for sports pitches under saved Policy SM3 of the CEDLP, DC states that the policy is non-strategic and I agree. Therefore, in conclusion, I recommend that Policy SMNP18 should be deleted due to lack of deliverability, the failure to contribute to sustainable development and not meeting the Basic Conditions, but that an appropriate paragraph should be included to reflect the aspirations of the Parish Council and the potential dialogue with Dorset Council as the local planning authority and any developers. **(PM12)**

Policy SMNP19. Infrastructure Needs of Large Scale Development

- 4.26 Policy SMNP19 seeks to involve the Parish Council and stakeholders in assessing infrastructure needs when considering major development proposals. The policy has regard to national guidance²⁸, generally conforms with Policy LN7 of the CEDLP and meets the Basic Conditions.

TRAFFIC, TRANSPORT, WALKING AND CYCLING

Policy SMNP20. Rights of Way, Walking and Cycling

Policy SMNP21. Transport Assessments and Statements

Policy SMNP22. Traffic Management and Transport Improvements

Policy SMNP23. Parking Standards

- 4.27 All the policies in this section have regard to national guidance, generally conform with the strategic policies of the CEDLP and meet the Basic Conditions.
- 4.28 *Table 1* below sets out the details of how these four policies have regard to national guidance and with which policy in the CEDLP they generally conform, to enable the Basic Conditions to be met.

²⁸ NPPF: paragraphs 100 & 128.

Table 1.

Policy	Subject	National guidance (NPPF paragraph number)	CEDLP Policy
SMNP20	Rights of Way, Walking and Cycling	96, 104, 135.	KS11
SMPN21	Transport Assessments and Statements	117.	KS11
SMNP22	Traffic Management and Transport Improvements	108, 109.	KS11
SMNP23	Parking Standards	108, 111, 112.	KS12

Overview

- 4.29 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the SMNP are in general conformity with the strategic policies of the CEDLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.30 As noted in paragraph 2.2 above, a revised version of the NPPF was published in December 2023. Although changes to the NPPF (as they relate to the SMNP) were minimal, it is nevertheless important that the Plan reflects the contents of the most recent edition, including updated references to the NPPF's revised paragraph numbers. I therefore recommend that all references to the NPPF in the SMNP relate to the latest December 2023 version. **(PM13)**
- 4.31 In addition, the use of the term 'Area of Outstanding Natural Beauty' (AONB) has been replaced (November 2023) with the term 'National Landscape'.²⁹ Therefore, it will be necessary to recommend that all references to Area(s) of Outstanding Natural Beauty are replaced by National Landscape(s). **(PM14)**
- 4.32 A consequence of the acceptance of the recommended modifications would be that amendments will have to be made to the explanation within the Plan in order to make it logical and suitable for the referendum. Further amendments might also include incorporating factual updates, correcting minor inaccuracies, any text improvements suggested helpfully by DC in their Regulation 16 consultation response and any paragraph renumbering. 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.³⁰

²⁹ See, for example: <https://cranbornechase.org.uk/about-us/the-aonb/>

³⁰ PPG Reference ID: 41-106-20190509.

5. Conclusions

Summary

- 5.1 The Sturminster Marshall Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the SMNP, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The SMNP, as modified, has no policy or proposal which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Concluding Comments

- 5.4 The SMPC, the Steering Group and other voluntary contributors are to be commended for their efforts in producing a very comprehensive Plan. The Plan is logical, informative and extremely well-illustrated. I enjoyed examining it and visiting the area, especially having many times driven along the A350 and now appreciating the quality of the environment on both sides of the main road. The Consultation Statement and the Basic Conditions Statement were extremely useful. The Plan also benefitted from the comprehensive and constructive Regulation 16 comments from DC and the helpful responses from SMPC and DC to my questions.
- 5.5 Subject to the recommended modifications, the SMNP will make a positive contribution to the Development Plan for the area and should enable the attractive character and appearance of Sturminster Marshall to be maintained whilst enabling sustainable development to proceed.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Policy SMNP4	Amend the title of the policy to: "MAINTAINING RURAL CHARACTER" Amend the policy to: "Outside the existing built-up area, development should retain, etc ..." .
PM2	Policy SMNP5	Amend the second sentence of the policy to: "... as noted in the supporting text, and towards key landmarks (see Map 6), including: etc, ..."
PM3	Policy SMNP6	Amend the first sentence of the policy to: "The common land (CL), village greens (VG) and local green spaces (LGS) listed below and identified on Map 7 are given special protection. Inappropriate development that would harm the reason for their designation will not be permitted, other than, in relation to LGS, in very special circumstances."
PM4	Policy SMPN7	Amend the policy to: "Any development (other than exempted by national regulations) will be expected to include a biodiversity gain plan which demonstrates how a minimum 10% net biodiversity gain will be achieved. Where measures are proposed to mitigate harm to and, where practicable, strengthen biodiversity, consideration should be given to: etc... Measures to improve wildlife habitats, including their resilience to climate change, will be supported."
PM5	Policy SMNP8	Amend the final sentence to: "Proposals which enhance or would lead to a better appreciation of the significance of these heritage assets will be looked on favourably."

PM6	Section 2.3	Include an explanation of the function and status of the Sturminster Marshall Design Guidance and Codes in Section 2.3 of the Plan.
PM7	Policy SMNP10	<p>Delete: "As a general rule, ...".</p> <p>Amend first bullet point to: "Where possible, frontages should reinforce the linearity of the street;"</p> <p>Delete the third bullet point and substitute: "Where possible, new tree planting in streets should be included, unless this would block an important view of a local landmark."</p> <p>Amend the final paragraph to: "Consideration should be given to the use of landmark features (for example, etc...)."</p>
PM8	Policy SMNP11	Delete: "As a general rule, ...".
PM9	Policy SMNP12	Amend third bullet point to: "... and amenity green space as set in the adopted Local Plan."
PM10	Policy SMNP13	Delete: "As a general rule, ...".
PM11	Policy SMNP14	<p>Delete the policy and substitute:</p> <p>"New housing developments should seek to meet the housing needs of Sturminster Marshall parish. This means that:</p> <p>i) for major development, affordable housing should be provided in line with the thresholds set in the Local Plan, and include: affordable rented homes, and particularly social rented options, aimed at those living in or who have a local connection to the parish and who are on below average incomes; as well as intermediate affordable homes such as first homes and shared ownership options, aimed at those living in or who have a local connection to the parish who are looking to buy but are unable to afford open market prices. First Home sale prices should be discounted by 40% (or otherwise evidenced so that the level of discount is affordable to those on mean household incomes) and make up at least 25% of affordable dwellings.</p>

		<p>ii) in terms of market housing, whilst a broad mix is encouraged, on major development sites the mix should include homes suitable for older residents looking to down-size into accessible and adaptable dwellings, and homes suitable for young adults and families looking to get onto the housing ladder. Larger (4+ bedroom) homes should not exceed 20% of the market housing mix and be designed to be adaptable to include the ability to provide annexed accommodation or greater live-work flexibility.”</p>
PM12	Policy SMNP18	<p>Delete the policy and paragraphs 8.2.3 – 8.2.5, and substitute a new paragraph 8.2.3:</p> <p>“Saved Policy SM3 (see Figure 21) allocates land at Station Road for public open space for sports pitches, but there is no evidence that the current landowner wishes to provide such a facility. If the next version of the Local Plan seeks to allocate further land for housing, the Parish Council will aim to work with Dorset Council and developers to ensure that provision is made for additional local facilities, such as allotments, a Multi-Use Games Area and skate park, in locations which are suitable and well related to the village and that these facilities are delivered in tandem with the development. Furthermore, due to the proximity of Dorset Heathlands, any major housing development sites will need to provide Suitable Alternative Natural Green Space (SANG) in order mitigate potential harm to the sensitive heathland sites (Dorset Council provides further guidance on this in the Dorset Heathlands Planning Framework).”</p> <p>Revise the title of Figure 21 as follows:</p> <p>“Additional Sports and Recreation land identified by Saved Policy SM3.”</p>
PM13	Throughout the document	<p>Refer to the December 2023 version of the NPPF and update paragraph references where they have changed.</p>

PM14	Throughout the document	Replace all references to Area(s) of Outstanding Natural Beauty with “ National Landscape(s) ”.
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