



Report on the Melbury Abbas and Cann Neighbourhood Development Plan 2022 – 2038

**An Examination undertaken for Dorset Council with the support of
Melbury Abbas and Cann Parish Council on the March 2025 submission
version of the Plan.**

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Date of Report: 3 September 2025

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Main Findings - Executive Summary

From my examination of the Melbury Abbas and Cann Neighbourhood Development Plan (MA&CNP/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 Melbury Abbas and Cann Parish Council (MA&CPC);
- The Plan has been prepared for an area properly designated – the Melbury Abbas and Cann Neighbourhood Area as shown on Figure 2 on page iv of the Neighbourhood Plan;
- The Plan specifies the period during which it is to take effect: 2022 - 2038; 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

Melbury Abbas and Cann Neighbourhood Development Plan 2022–2038

- 1.1 The Group Parish of Melbury Abbas and Cann consists of the settlements of West Melbury, East Melbury, Cann Common and Guy's Marsh. The Parish is located immediately adjacent to the southern boundary of Shaftesbury, about 12km south east of Gillingham, 38km west of Salisbury and 37km north of Poole. Set within undulating countryside, overlooked by Melbury Beacon and the southern edge of Shaftesbury, this extremely rural area is characterised by narrow lanes enclosed by high hedges. The south eastern part of the Parish is within the Cranborne Chase National Landscape. In 2021, the population of Melbury Abbas and Cann Parish was about 1,350.¹
- 1.2 The preparation of the Melbury Abbas and Cann Neighbourhood Development Plan (MA&CNP) began with the formation of a Steering Group in 2018. Led by the Steering Group, evidence was collected, consultations were held during the intervening period and the final version

¹ 2021 Census; paragraph 24 of the Plan.

of the Plan was submitted to Dorset Council (DC) in March 2025, representing several years' work for those involved.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the MA&CNP by DC with the agreement of Melbury Abbas and Cann Parish Council (MA&CPC).
- 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 Melbury Abbas and Cann area, excluding policies relating to minerals and waste development, includes the North Dorset Local Plan Part 1 (NDLP) which was adopted by North Dorset District Council in January 2016. This will be replaced by the emerging Dorset Council Local Plan, which is currently the subject of a public consultation on Site Options (Regulation 18), closing on 13 October

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.

2025.⁴ The Local Development Scheme for DC suggests an adoption date for the Local Plan in winter 2027.

- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). A revised version of the NPPF was published in December 2024. Paragraph 239 of that version includes transitional arrangements for neighbourhood plans, stating that the revised NPPF only applies to neighbourhood plans submitted after 12 March 2025. As submission of the MA&CNP to DC was completed on 12 March 2025⁵, all references in this report read across to the earlier December 2023 version of the NPPF. In addition, the accompanying 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 Melbury Abbas and Cann Neighbourhood Development Plan 2022 – 2038 (submission version March 2025);
 - Figure 2 of the Plan which identifies the area to which the proposed Neighbourhood Plan relates;
 - the Consultation Statement (March 2025);
 - the Basic Conditions Statement (January 2025);
 - the Strategic Environmental Assessment (SEA) Screening Report Consultation Draft (May 2021);
 - the Habitats Regulation Assessment (HRA) (April 2025);
 - the Design Guidelines (December 2019);
 - the Housing Needs Assessment (March 2022);
 - the Site Assessment Report (October 2019);
 - the Environment, Landscape Character and Vistas Topic Paper (undated);
 - the Heritage Topic Guide (February 2025);
 - the Transport Topic Paper (February 2024);
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the responses dated 15 July 2025 from MA&CPC and DC to the questions of clarification in my letter of 2 July 2025, and response from Mr D Nash dated 12 July 2025.⁶

⁴ View progress at <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-council-local-plan>

⁵ See Dorset Council response to my question of 2 July 2025 concerning the submission date.

⁶ View all the documents at: <https://www.dorsetcouncil.gov.uk/w/melbury-abbas-and-cann-neighbourhood-plan>

Site Visit

- 2.4 I made an unaccompanied site inspection to the MA&CNP area on 5 August 2025 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.

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 MA&CNP has been prepared and submitted for examination by MA&CPC, which is a qualifying body. The MA&CNP area extends over all the Group Parish comprising the Parishes of Melbury Abbas and Cann designated by the then North Dorset District Council in November 2017. I am satisfied it is the only Neighbourhood Plan for Melbury Abbas and Cann Parish and does not relate to any land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.2 The Plan period is from 2022 to 2038 as clearly stated on the front cover.

Neighbourhood Development Plan Preparation and Consultation

- 3.3 The Consultation Statement (CS) describes the thorough preparation of the Plan with involvement of the public and various stakeholders at the stages of the process. A Steering Group (SG) was formed in 2018 early in the preparation process of the Plan. The Steering Group gathered evidence to inform the objectives and policies of the Plan and met residents at local events; engaged with local groups and businesses; issued a comprehensive questionnaire; engaged with statutory bodies; and reviewed relevant policy and written evidence.

- 3.4 A section of the Parish website and the Neighbourhood Plan web site shared information and updates on the progress of the Plan, together with the use of Facebook, press releases in the Parish magazine; flyers and face to face engagement by the Steering Group with the public in the village hall. The development of the evidence for the Plan included a Community Questionnaire, a Community Feedback Day in 2019 and a Community Survey on 2019/2020. Stakeholder engagements included the Dorset Ranger and local footpath groups, Abbey School, Compton Abbas airfield, HMP Guys Marsh, Local Green Space landowners, Heritage asset owners and allocated site owners.
- 3.5 The pre-submission Plan was published for consultation under Regulation 14 of the 2012 Regulations from 14 March 2022 until 9 May 2022. 18 respondents submitted feedback. An overview of the analysis of comments made by statutory consultees, including DC, and members of the public are summarised on pages 23 to 56 of the CS, including other action points for the Parish Council in Appendix A and any consequent changes made to the Plan.
- 3.6 The final version of the Plan and accompanying statutory documentation was submitted to DC on 12 March 2025. Consultation in accordance with Regulation 16 was carried out from 11 April 2025 until 30 May. 10 responses were received about the Plan, including those from DC. An additional late representation was received and forwarded by DC which I have taken into account in the report. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the MA&CNP, 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

- 3.7 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'.⁷

Human Rights

- 3.9 The Basic Conditions Statement (BCS) notes 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

⁷ See section 61K of the 1990 Act.

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 Strategic Environmental Assessment (SEA) Screening Report concluded that a full SEA was not required, a conclusion supported by Historic England, the Environment Agency and Natural England.⁸ The HRA screening exercise considered the potential threats, pressures and activities which may affect the European sites within 20km of the Melbury Abbas and Cann Neighbourhood Plan area, including the Fontmell and Melbury Down Special Area of Conservation (SAC) which occupies the southeastern part of the Plan area. A small portion of the northern Plan area may be within the catchment of the River Avon SAC, which is sensitive to changes in water quality. However, there is no overnight accommodation allocated in this small area of the Plan, only commercial and community uses, and therefore there is no effect upon water quality.
- 4.2 The Fontmell and Melbury Down SAC is a chalk grassland habitat. The SAC is sensitive to recreational pressure which can result from a rise in local population. However, the distance of the allocated areas from the SAC is approximately 420 metres for 3 dwellings, and at least 1km for the remaining 21 dwellings. Therefore, the HRA screening did not identify a likely significant effect upon a European Site from the Melbury Abbas and Cann Neighbourhood Plan, largely due to the limited scale of development proposed by the Plan and the proximity of the allocated sites from the designated areas. Statutory consultees did not dissent from these conclusions and raised no objections to the submitted Plan.
- 4.3 I have read the SEA and HRA Screening Reports and the other information provided and, having considered the matter independently, I agree with the conclusions. Therefore, I am satisfied that the MA&CNP is compatible with EU obligations as retained in UK law.

Main Issues

- 4.4 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.

⁸ See paragraphs 5.0.1 – 5.0.4 of the SEA Screening Report.

- 4.5 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
- 4.6 Accordingly, having regard to the Melbury Abbas and Cann Neighbourhood Plan, the consultation responses, other evidence and the site visit, I consider that the main issues in this examination are whether the MA&CNP 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

- 4.7 The vision for the MA&CNP is based on issues raised by the community during the initial stages of the consultation process. The vision is described in paragraph 9.1 (pages 7 and 8) of the Plan. A series of objectives have then been developed which are described in Table 1 (pages 9 and 10) of the Plan to help to achieve the vision. The objectives provide the context for the twenty-four specific land use based policies.

Housing

Policy 1a. Promoting brownfield sites and infill development

- 4.8 Policy 1a. supports limited development on brownfield or infill sites within settlement boundaries provided that six conditions are met. Condition ii states that development should not be within the rural-urban buffer zone shown on Figure 10 of the Plan which seeks to protect the area from encroachment by Shaftesbury. I sought clarification from DC on whether this element of Policy 1a could be considered strategic and hence inappropriate for a neighbourhood plan. The comprehensive response confirmed my belief that, in defining a buffer zone for no development south of Shaftesbury, condition ii has a strategic function.
- 4.9 I note that Shaftesbury is one of four main towns in the NDLP and that it is a Tier 2 town in the emerging Dorset Local Plan where growth will be focussed. DC comment that there are few development options in this area and I would not wish to pre-empt the difficult decisions of the local planning authority in seeking future housing allocations for Shaftesbury, albeit I recognise the high quality of the landscape to the south of the town. Therefore, I shall recommend the deletion of Policy 1a.ii. In addition, to avoid ambiguity I shall recommend that Policy 1a.v. is rephrased. **(PM1)** Policy 1a. would then have regard to national

⁹ PPG Reference ID: 41-041-20140306.

guidance¹⁰, would generally conform with Policy 7 of the NDLP and would meet the Basic Conditions.

Policy 1b. Encouraging a sustainable population

- 4.10 Policy 1b. states that a minimum of 45 dwellings should be provided over the Plan period of which at least 17 should be affordable housing. In its Regulation 16 comments DC identified the origins of the sum of 45 dwellings and indicated that this could be considered high for a Tier 4 settlement such as Melbury Abbas. I note the presence of the "Persimmon" development on the edge of Shaftesbury and the contribution it makes to the 45 dwellings due to part of the site being within the Plan area. Nevertheless, national guidance is that neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.¹¹ Therefore, I consider that Policy 1b. of the Plan has regard to national guidance as referenced above, generally conforms with Policies 6 and 8 of the NDLP and meets the Basic Conditions.

Policy 1c. Promoting a broad mix of housing

- 4.11 Policy 1c. seeks an appropriate mixture of housing types in all new residential development. Quite clearly this cannot apply to proposals for a single dwelling and so I shall recommend that the requirement should be modified to "significant" new housing development. **(PM2)** The policy would then have regard to national guidance¹², generally conform with Policy 7 of the NDLP and meet the Basic Conditions.

Policy 1d. Affordable housing

- 4.12 Policy 1d. considers affordable housing. I shall recommend that the second sentence of the second paragraph refers to "First Homes and other affordable homes.." in order to avoid ambiguity. The third paragraph of the policy supports affordable housing within the Cranborne Chase National Landscape and I shall recommend that the qualification is that there should be no significantly adverse impact on the landscape, rather than use the "vistas of local importance". In addition, to ensure clarity, the final paragraph should refer to "Applications for community-led developments...". The Plan is to be read as a whole, so the reference to Policy 1a. is superfluous. With these modifications, the policy would then have regard to national guidance¹³, generally conform with Policy 8 of the NDLP and meet the Basic Conditions. **(PM3)**

¹⁰ NPPF: paragraphs 123 & 124.

¹¹ NPPF: paragraph 29.

¹² NPPF: paragraphs 63, 70 and 71.

¹³ NPPF: paragraphs 64, 65 and 66.

Policy 1e. Housing Allocation: St Annes Close, Guys Marsh

- 4.13 Policy 1e. allocates 0.34ha of land within the Guys Marsh prison complex for a maximum of eight dwellings of 100% affordable housing. There is no substantive viability evidence in support of the policy and it is possible that the aim of 100% affordable housing cannot be met. Therefore, I shall recommend the inclusion of a clause to allow a small number of market homes at the discretion of the local planning authority if this is required to make the site viable. Consequently, the second paragraph will require a corresponding modification. With the modifications, the policy would have regard to national guidance¹⁴, generally conform with Policy 6 of the NDLP and meet the Basic Conditions. **(PM4)**

Policy 1f. Housing Allocation: Land South of Melbury Motors, Cann Common

- 4.14 Policy 1f. allocates 0.21ha of land for up to four dwellings, 50% of which should be affordable. I agree with the assessment of the site in the Plan and consider that subject to three recommended amendments the policy would have regard to national guidance¹⁵, generally conform with Policy 6 of the NDLP and meet the Basic Conditions. The three modifications which I shall recommend are, firstly, to alter the requirement to mitigate the visual impact to be consistent with my later recommendation on Policy 2c.; secondly, to modify the requirement to retain existing trees to "trees worthy of retention"; and, lastly, to seek the archaeological assessment prior to the determination of the application rather than, implicitly in the policy, before the development is commenced. **(PM5)**

Policy 1g. Housing Allocation: Southbank Farm, Cann Common

- 4.15 Policy 1g. allocates land at Southbank Farm for not exceeding 10 dwellings of which at least 40% should be affordable. The residential development would be located in the northern section of the site. The allocation also includes a new village hall and recreational uses on the southern section of the site. Criterion viii) of the policy states that the development of the community facilities within the southern section must be provided for at the same time as any housing on the northern section.
- 4.16 I can fully appreciate that the Parish Council are seeking a new village hall in a more accessible location. This also relates to Policy 1h. which allocates up to three dwellings on the site of the current village hall. However, it is likely that the sequence aimed for in Policy 1g. viii) can only be achieved by a legal agreement and national guidance is that planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.¹⁶ In my opinion,

¹⁴ NPPF: paragraphs 70 and 71.

¹⁵ NPPF: paragraphs 70 and 71.

¹⁶ NPPF: paragraph 57.

the concurrent or prior construction of a new village hall on the Southbank Farm site would not be necessary to make the housing development acceptable in planning terms. Nor would the new village hall be directly related to the housing development. Therefore, I shall recommend the deletion of Policy 1g. viii).

- 4.17 Subject to that modification, and the correction of a typographical error¹⁷ in criterion iii), the policy would have regard to national guidance¹⁸, generally conform with Policy 6 of the NDLP and meet the Basic Conditions. **(PM6)**

Policy 1h. Housing Allocation: The Village Hall, West Melbury

- 4.18 Policy 1h. allocates the site of the current village hall and car park for up to three dwellings, all of which would be affordable rented housing. The policy states that the dwellings should be for those with a local connection, but this is dealt with under Policy 1d. (paragraph 2). The issue of the timing of the development falls within paragraph 57 of the NPPF as considered for Policy 1g. above. Therefore, for the same reasons, I shall recommend the deletion of provisions i) and ii), accompanied by consequential amendments to the remainder of the policy. As indicated by DC, the Parish Council is the landowner and it should be able to dictate the terms of the development of the site outside the framework of planning legislation and so would not be placed at a disadvantage by the policy modifications. **(PM7)** Subject to that modification, the policy would have regard to national guidance¹⁹, generally conform with Policy 6 of the NDLP and meet the Basic Conditions.

Environment, design and heritage

Policy 2a. Design

- 4.19 Policy 2a. sets out several design requirements, including at iii) one which seeks the use of materials which can easily be reused or recycled. In my view, the requirement that conversion or redevelopment should not require any major additional constructional works is too restrictive and, in any event, would be difficult to implement. Therefore, I shall recommend that the relevant sentence is deleted. In addition, requirement numbered viii) (noting that vi) is omitted) seeks "large and safe gardens" which is unacceptably inflexible. Not all occupants of dwellings seek large gardens. Safety issues in a layout should be dealt with effectively in development management. Accordingly, I shall recommend that requirement viii) is deleted. Subject to those modifications, the policy would have regard to

¹⁷ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

¹⁸ NPPF: paragraph 70 and 71.

¹⁹ NPPF: paragraphs 70 and 71.

national guidance²⁰, generally conform with Policies 5 and 15 of the NDLP and meet the Basic Conditions. **(PM8)**

Policy 2b. The contribution of woodland and trees to local character

- 4.20 Policy 2b. aims to ensure that woodlands and trees are retained and enhanced. Generous planting referred to in criterion i) is unacceptably ambiguous. The loss of ancient trees and woodland referred to in criterion ii) is dealt with in national guidance.²¹ With reference to criterion iii), so far as I am aware, there are no designated areas for tree planting in the Plan area. In criterion v), (the second v)), proposals should be accompanied by a tree survey where there are some trees to survey. I shall recommend modifications to remedy the defects which I have identified above. **(PM9)** Subject to those modifications, the policy would have regard to national guidance²², generally conform with Policies 4 and 15 of the NDLP and meet the Basic Conditions.

Policy 2c. Protected views and vistas

- 4.21 Policy 2c. seeks to protect views and vistas which are identified in Figures 25 – 46 in the Plan. There are three requirements within the policy, the first two of which apply generally and which I consider meet the Basic Conditions. However, the third requirement refers to the Local Vista Impact Zones (LIZ) and I have two reservations about this part of Policy 2c. The first reservation is the location of the viewpoints, some of which are located outside the Plan area and would therefore be in conflict with the Basic Conditions (see paragraph 1.6 above).²³
- 4.22 The second reservation is the widespread nature of the vistas portrayed in the diagrams which are too generalised for effective development management and, for example, may include land which is “sheltered” from the viewpoint by an intervening slope. Most of the views are from Melbury Beacon or towards it. The landscape in the Plan area is very attractive. My recommendation is for a general policy which recognises the need to safeguard the landscape from public viewpoints wherever they occur in the Plan area. The specific viewpoint would vary according to the location of the development proposed, from where it might be seen and judged on a case by case basis. I also recommend that the viewpoints which are outside the Plan area are deleted but that the others are retained as illustrative material which would assist in visualising potential impacts. **(PM10)** Subject to those modifications, the policy would have regard to national guidance²⁴, generally conform with Policies 4 and 15 of the NDLP and meet the Basic Conditions.

²⁰ NPPF: Section 12: Achieving well-designed and beautiful places.

²¹ NPPF: paragraph 186 c)

²² NPPF: paragraph 180.

²³ See also section 38A(2) of the 2004 Act.

²⁴ NPPF: paragraph 180.

Policy 2d. Biodiversity and ecosystems

- 4.23 Policy 2d. aims to ensure that development enhances local biodiversity and ecosystems. Subject to modifying criterion iv) so that it applies to biodiversity rather than pollution control for which other regimes apply, the policy would have regard to national guidance²⁵, would generally conform with Policy 4 of the NDLP and would meet the Basic Conditions. **(PM11)**

Policy 2e. Heritage Assets

- 4.24 Policy 2e. considers the protection of local heritage assets. The details listed in clause i) are confusing and I recommend that the simplification which I shall recommend would offer the necessary clarity. There appears to be an omission from clause iii) to which I shall recommend a correction. **(PM12)** With those modifications, the policy would have regard to national guidance²⁶, generally conform with Policy 5 of the NDLP and meet the Basic Conditions.

Employment

Policy 3a. Encouraging local enterprise

- 4.25 Policy 3a. seeks to encourage local enterprise in the Plan area. The policy has regard to national guidance²⁷, generally conforms with Policy 11 of the NDLP and meets the Basic Conditions.

Policy 3b. Development of land south of the A30

- 4.26 An extensive area of land within the Plan area and south of the A30 on the southern edge of Shaftesbury is being developed for mixed uses, including housing, some of which was allowed on appeal in 2024. The objective of Policy 3b. is to ensure that development gain arising from the development along the A30 accrues to the Parish Council. The policy itself includes three paragraphs seeking a Masterplan; appropriate landscaping and screening; and the enhancement of footpath routes extending into the Plan area. The policy has regard to national guidance²⁸, generally conforms with Policies 14 and 15 of the NDLP and meets the Basic Conditions.
- 4.27 However, the phrasing “development gain” which is derived from Table 1 (page 10) of the Plan is not appropriate for a development plan document. I shall recommend that the objective in Table 1 and beneath Policy 3b. is

²⁵ NPPF: paragraph 185.

²⁶ NPPF: paragraph 196.

²⁷ NPPF: paragraphs 85, 86 and 88.

²⁸ NPPF: paragraphs 74, 104, 135 and 136.

altered as follows: "to ensure that development south of the A30 is satisfactorily mitigated." **(PM13)**

Leisure, Community and Well-Being

Policy 4a. Sustainable Transport

- 4.28 Policy 4a. aims to encourage sustainable transport links through accessible and safe rights of way in the Plan area. The policy appears to contain an error referring in vi) to Figure 61, whereas it should be Figure 62. I shall recommend a correction. **(PM14)** The policy has regard to national guidance²⁹, generally conforms with Policy 13 of the NDLP and meets the Basic Conditions.

Policy 4b. Traffic Impacts and road safety

- 4.29 Policy 4b. seeks to resolve problems caused by heavy through traffic. The policy has regard to national guidance³⁰, generally conforms with Policy 13 of the NDLP and meets the Basic Conditions.

Policy 4c. Infrastructure Provision

- 4.30 Policy 4c. aims to future proof and modernise local infrastructure. Clause ii) should be modified to "Provision is made for ..." in order to be grammatically correct and be consistent with clause i). In addition, the reference to development gain being fairly allocated in clause iii) is inappropriate and unnecessary. Mitigation should be geared to wherever it is required to offset harm and not according to geography or "fair shares". I shall recommend the deletion of the proviso. **(PM15)** The policy would then have regard to national guidance³¹, would generally conform with Policy 13 of the NDLP and would meet the Basic Conditions.

Policy 4d. Community facilities

- 4.31 Policy 4d. seeks to protect and enhance community facilities, recreational and amenity areas. I note the comments by DC in their Regulation 16 response and agree that criteria i) and ii) should be read as "or" rather than "and". In addition, clauses iii) and iv) should be read as separate paragraphs within the policy. I shall recommend appropriate modifications. **(PM16)** The policy would then have regard to national guidance³², would generally conform with Policy 14 of the NDLP and would meet the Basic Conditions.

²⁹ NPPF: paragraphs 108 and 110.

³⁰ NPPF: paragraphs 108 and 110.

³¹ NPPF: paragraphs 118 and 119.

³² NPPF: paragraphs 96, 97 and 102.

Policy 4e. Energy

- 4.32 Policy 4e. encourages measures seeking energy efficiency. The first paragraph of the policy includes a superfluous reference to nature related impacts already dealt with in Policy 2d. The measures in the third paragraph are written as requirements and which may not be desirable or viable depending on the circumstances of the case. I shall recommend that the sentence is redrafted to encourage the measures. The fourth paragraph requires installations for plug-in and ultra-low energy vehicles and which are now dealt with by the Building Regulations Part S and which I shall recommend is deleted from the policy. **(PM17)** With these modifications, the policy would have regard to national guidance³³, would generally conform with Policy 13 of the NDLP and would meet the Basic Conditions.

Policy 4f. Sustainable ground-mount PV

- 4.33 Policy 4f. considers ground mounted solar photovoltaic installations and supports their development outside the Cranborne Chase National Landscape subject to nine criteria. The first criterion would place a size limit on the number of panels and the area they would cover, but there is no evidence to substantiate the requirement. Environmental impact should be the proper measure of whether the size is inappropriate. The second criterion seeks a full feasibility study of the grid constraints and capacities, which are technical and commercial matters not normally within the ambit of planning considerations. Two criteria require the solar installations to be fully screened from view from any landscape impact area (see Policy 2c.) and the frontage of any highway or public right of way. The application of these criteria would ensure a virtually blanket ban on installations in the Plan area and is unreasonable. The penultimate criterion deals with the net gain in biodiversity considered under Policy 2d. and also the requirement not to detract from grazing or other low impact uses of the land, which, given the installations would need a supporting structure, is unrealistic. Finally, the policy fails to recognise positive considerations of the energy created by ground mounted solar installations and reflected in paragraphs 158 to 163 of the NPPF.
- 4.34 Therefore, I shall recommend that the policy is modified (i) to delete the criteria which I consider to be unacceptable; (ii) rephrase those which have sound aims but lack precision; and (iii) introduce a balanced approach. **(PM18)** The policy would then have regard to national guidance³⁴, would generally conform with Policy 13 of the NDLP and would meet the Basic Conditions.

³³ NPPF: paragraphs 157 and 159.

³⁴ NPPF: paragraph 160.

Policy 4g. Lighting and air pollution

4.35 Policy 4g. seeks to encourage measures to reduce light pollution and retain the Cranborne Chase National Landscape's Dark Sky Reserve status. The third paragraph of the policy states that development requiring floodlights, security lights and street lights will not be supported, specifically referring to large scale employment sites, Guys Marsh Prison and potential development sites south of the A30 and Melbury Motors. I consider that this is disproportionate and wholly unrealistic and I shall recommend an alternative. The final short paragraph merely states that air quality issues should be duly considered and addressed in any planning application which, similar to the above, is disproportionate and unrealistic and not supported by any substantive evidence in the Plan. I shall recommend that the paragraph is deleted. With the above modifications, the policy would have regard to national guidance³⁵, would generally conform with Policy 1 of the NDLP and would meet the Basic Conditions. **(PM19)**

Policy 4h. Energy from water and water efficiency

4.36 Policy 4h. seeks to maximise the potential of water efficiency and energy from water. The phrase "community based" as a descriptor of a hydro-electricity scheme is ambiguous. The scale of the project is more important, as is the environmental impact. Viability is a matter for the developer. Accordingly, I shall recommend modifying the policy to address those issues **(PM20)** The policy would then have regard to national guidance³⁶, would generally conform with Policy 13 of the NDLP and would meet the Basic Conditions.

Policy 4i. Local Green Spaces

4.37 Policy 4i designates three Local Green Spaces (LGS) details of which are on pages 74 – 77 of the Plan and listed in Table 6, each of which I visited on my inspection of the area. 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.³⁷

³⁵ NPPF: paragraph 191.

³⁶ NPPF: paragraph 161.

³⁷ NPPF: paragraph 106.

LGS should also be capable of enduring beyond the end of the Plan period.³⁸ I agree that each LGS meets the designation criteria. However, in order to have the necessary regard to NPPF paragraph 107, I recommend the replacement of criterion i) with appropriate wording to reflect national policy **(PM21)**

- 4.38 Subject to that modification, the policy would have regard to national guidance as referenced above, would generally conform with Policy 15 of the NDLP and would meet the Basic Conditions.

Overview

- 4.39 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the MA&CNP are in general conformity with the strategic policies of the NDLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.40 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 minor amendments might also include incorporating factual updates, correcting inaccuracies, typographical and punctuation errors, the many text improvements suggested helpfully by DC in their Regulation 16 consultation response and other similar minor or consequential changes (such as paragraph numbering, the correction of errors in the use of roman numerals in Policies 1f., 1g., 2a., 2b., 2d., and 4f. and the duplication of Figure numbering) in agreement with DC. 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.³⁹

5. Conclusions

Summary

- 5.1 The Melbury Abbas and Cann 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 MA&CNP, and the evidence documents submitted with it.
- 5.2 I have made recommendations for twenty-one modifications to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

³⁸ NPPF: paragraph 105.

³⁹ PPG Reference ID: 41-106-20190509.

The Referendum and its Area

- 5.3 I have considered whether the referendum area should be extended beyond the designated area to which the Plan relates. The MA&CNP, as modified, has no policy 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 that of the designated Neighbourhood Plan Area.

Concluding Comments

- 5.4 The MA&CPC, the Neighbourhood Plan Steering Group and other voluntary contributors are to be commended for producing a comprehensive Plan. The Plan is logical and well-illustrated. I enjoyed examining it and appreciated the attractive landscape of the area on my site visit. The Plan benefitted greatly from the constructive comments from DC at the Regulation 16 stage and from the answers from the Councils to my questions. Subject to the recommended modifications, the MA&CNP will make a positive contribution to the Development Plan for the area and should enable the attractive character and appearance of Melbury Abbas and Cann Parish 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 1a.	Delete condition ii. Amend condition v. to: "Development of the site does not lead to the destruction of existing trees and hedges; and..." .
PM2	Policy 1c.	Amend the first sentence to: "All proposals for significant new housing development ..." .
PM3	Policy 1d.	Amend the second sentence of the second paragraph to: "First Homes and other affordable homes delivered through a Section 106 Agreement should be first offered to..." . Amend the third paragraph to: "Affordable housing is also supported within the Cranborne Chase National Landscape, subject to there being no significantly adverse impact on the landscape." Amend the first sentence of the fourth paragraph to: "Applications for community-led developments ..." .
PM4	Policy 1e.	Add a sentence to the first paragraph: "A small number of market homes may be allowed at the local planning authority's discretion if this is required to make the site viable." Amend the second paragraph to: "The affordable housing at the site should be prioritised for key workers and their families at Guys Marsh Prison."
PM5	Policy 1f.	Amend requirement i) to: "The proposal should seek to mitigate any significant harm which might be caused to the landscape by the development."

		Amend requirement viii) to: "The development should seek to retain all trees worthy of retention. Any trees that need to be removed should be replaced with suitably located replacements." Amend requirement ix) to: "The site should be subject to an appropriate archaeological assessment prior to the determination of the application."
PM6	Policy 1g.	Amend criterion iii) by the deletion of the first "to". Delete criterion viii).
PM7	Policy 1h.	Delete the policy and insert: "Development of the site within that depicted in Figure 21 is allocated for the provision for up to three dwellings, all of which would be for affordable rented housing. i) Development should not take place until a robust assessment to investigate, etc, ... ii) Any development should be informed by an assessment of significance of the designated heritage assets, etc ...".
PM8	Policy 2a.	Delete the final sentence of criterion iii). Delete criterion viii).
PM9	Policy 2b.	Delete "generous" from criterion i). Delete criterion ii). Delete final sentence of criterion iii).
PM10	Policy 2c.	Delete criterion iii) and substitute: "Development should preserve and where possible enhance the views across the Plan area from public vantage points, especially from Melbury Beacon. All development with a visual impact on the Cranborne Chase National Landscape should show the scale of those impacts and how they have been mitigated in a Landscape and Visual Impact Assessment (LVIA)".

		Delete the viewpoints which are located outside the Plan area together with the accompanying details.
PM11	Policy 2d.	Amend criterion iv) to: "Development must not result in any temporary or permanent significantly adverse effect on the biodiversity or ecosystems of watercourses;" .
PM12	Policy 2e.	Delete the first sentence of criterion i) and substitute: "The potential features that should be preserved or enhanced are either described or linked in the MA&CNP38 Heritage Topic Paper (February 2025)." Rephrase criterion iii) to: "Proposals to bring redundant and/or vacant historic buildings into re-use will be supported, etc..." .
PM13	Table 1; (page 10 and page 59) Policy 3b.	Delete the objective as drafted and substitute: "To ensure that development south of the A30 is satisfactorily mitigated."
PM14	Policy 4a.	Delete Figure 61 in criterion vi) and substitute: "Figure 62" .
PM15	Policy 4c.	Amend the first phrase of criterion ii) to: "Provision is made for high-speed communications, etc ..." . Delete criterion iii).
PM16	Policy 4d.	At the end of criterion i. add "or" . Delete the roman numerals iii. and iv., retaining the text as separate paragraphs.
PM17	Policy 4e.	Delete "and nature related impacts," from the first paragraph. Delete "should" from the third paragraph and substitute "...are encouraged to ..." . Delete the final sentence from the fourth paragraph.

PM18	Policy 4f.	Amend the first paragraph by the addition of: "... Cranborne Chase National Landscape where the benefits of creating renewable energy are balanced against the environmental impacts and where: etc..." Delete criteria i) and ii). Amend the second iv) to: "They do not cause a significantly adverse effect on heritage assets or their setting." Delete criteria v) and vi) and substitute: "They do not cause any significantly adverse effects on the landscape." Delete criterion vii).
PM19	Policy 4g.	Delete the third paragraph and substitute: "Proposals for development should aim to limit the impact of light pollution from artificial light on local amenity and nature conservation." Delete the final paragraph.
PM20	Policy 4h.	Delete the first paragraph and substitute: "Small scale hydro-electric proposals will be supported subject to there being no significantly adverse environmental effects from the scheme."
PM21	Policy 4i.	Delete criterion i) and the preceding sentence and substitute: "i) Decisions on managing development within the Local Green Spaces should be consistent with national policy for Green Belts. Support will be given to proposals that would enhance the value or significance of the Local Green Space."