

Melbury Abbas and Cann Neighbourhood Plan – examination

Dorset Council response to examiner's letter dated 2 July 2025

15 July 2025

1 Date of submission

Question to DC. *Please could DC confirm the date of submission of the Plan under Regulation 15 being on 12 March 2025?*

We can confirm that the qualifying body submitted all documents to us before or on 12 March 2025. NPPF para 239 sets out that this is the last possible date that allows the plan to be examined under the policies in the previous NPPF. As such, we think it might be useful to provide some evidence in case there is any doubt.

The main submission was on 11 March 2025 – as evidenced by emails reproduced in Appendix 1.

We noticed an issue with the Consultation Statement which we asked the group to address. The updated Consultation Statement was sent to us on 12 March, which I confirmed receipt of the next day – see emails in Appendix 2.

As a further piece of evidence, please see a screenshot of our folder of submitted document files along with their modification dates – see Appendix 3. The only files with dates after 12 March are where we used software to convert Word files to PDFs or to reduce the size of the PDFs to make them more suitable for our website

2. Policy 1a.

Question to DC. *Clause ii) states that: “... new dwellings on greenfield sites should not be built within the rural-urban buffer zone (depicted in Figure 10 on page 15) so as to protect from encroachment from the neighbouring town of Shaftesbury.” Is DC content that this is not a strategic policy which would be more appropriate in the Local Plan?*

As the examiner will be aware, paragraph 18 of the NPPF sets out that while local plans can include strategic and non-strategic policies, neighbourhood plans should only contain non-strategic policies. Paragraph 30 states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Hence this is a crucial question.

We have previously reviewed this draft policy and proposed buffer zone and considered that it wasn't a strategic policy and didn't undermine our strategic policies for the following reasons:

- The area is (largely) defined as countryside in the adopted North Dorset Local Plan, meaning that there is already a general presumption against most forms of development in this area. As such, there is no obvious conflict with the basic condition that the plan should be in general conformity with existing strategic policies. However, on closer examination we are now aware that parts of the proposed buffer zone are within the local plan settlement boundary – this is discussed in more detail below. It should also be pointed out that Policy 20 in the Local Plan does allow development in the countryside in certain circumstances (either it is a type appropriate to the countryside, or it can be demonstrated that there is an ‘overriding need’ for it to be located in the countryside).
- The area slopes down from the hilltop town of Shaftesbury, as can be seen by the contour lines on the OS maps. Due to its hilltop position, Shaftesbury affords some spectacular views in several directions, but particularly southwards from the top of Gold Hill and along Park Walk. Whilst this land does not form part of a nationally recognised designation (for example, it is not a National Landscape), it can be described as a “valued landscape” which ought to be protected and enhanced (in line with NPPF para 187a). A strategic landscape and heritage study undertaken in 2019 concluded at Stage 1 that most of the area to the south of Shaftesbury could be excluded on landscape and heritage grounds, and that a smaller area that passed through to Stage 2 had in fact high landscape sensitivity.¹ As such, we have not identified the area for development in any existing or proposed draft Local Plan.
- Despite regular ‘Call For Sites’ consultations, few SHLAA sites have been submitted to us for this area. Furthermore, few speculative applications have been submitted to us in this area. The ones that have been approved are discussed below.
- Other neighbourhood plans in Dorset have similar policies which aim to prevent coalescence between settlements or groups of existing development. These have various names including: Anti Coalescence Areas, Important Open Gaps, Green Fingers, and Defined Gaps. We have seen few if any objections to the principle of these policies before now. Where possible we try to be supportive of the proposals in emerging neighbourhood plans and also consistent in our approach. As there are similar policies in other neighbourhood plans, we have not objected to the principle of this policy. However, as discussed below, the scale and location of the proposed area perhaps makes it significantly different from what has been considered acceptable in other neighbourhood plans.

In reconsidering whether this policy could be construed as strategic, we have the following points to make:

- The designation proposed is not explicitly recognised in national policy. However, we note the phrase used in Policy 1a(ii) that it is intended to protect the area from “encroachment”. This term only appears once in NPPF, and that is with respect to Green

¹ LUC Strategic Landscape and Heritage Study for the North Dorset Area – Stage 1 Assessment (October 2019): <https://www.dorsetcouncil.gov.uk/documents/35024/295082/Stage+1+Report+-+Strategic+Landscape+and+Heritage+Assessment+North+Dorset.pdf/cba6d34f-13d5-9a5a-8627-6f51bf6c7435>

Stage 2 Assessment: Shaftesbury (October 2019): <https://www.dorsetcouncil.gov.uk/documents/35024/295082/Shaftesbury+Stage+2+Final+Report.pdf/86da3fc7-cdb7-9ae0-d934-6bd96ef492ea>

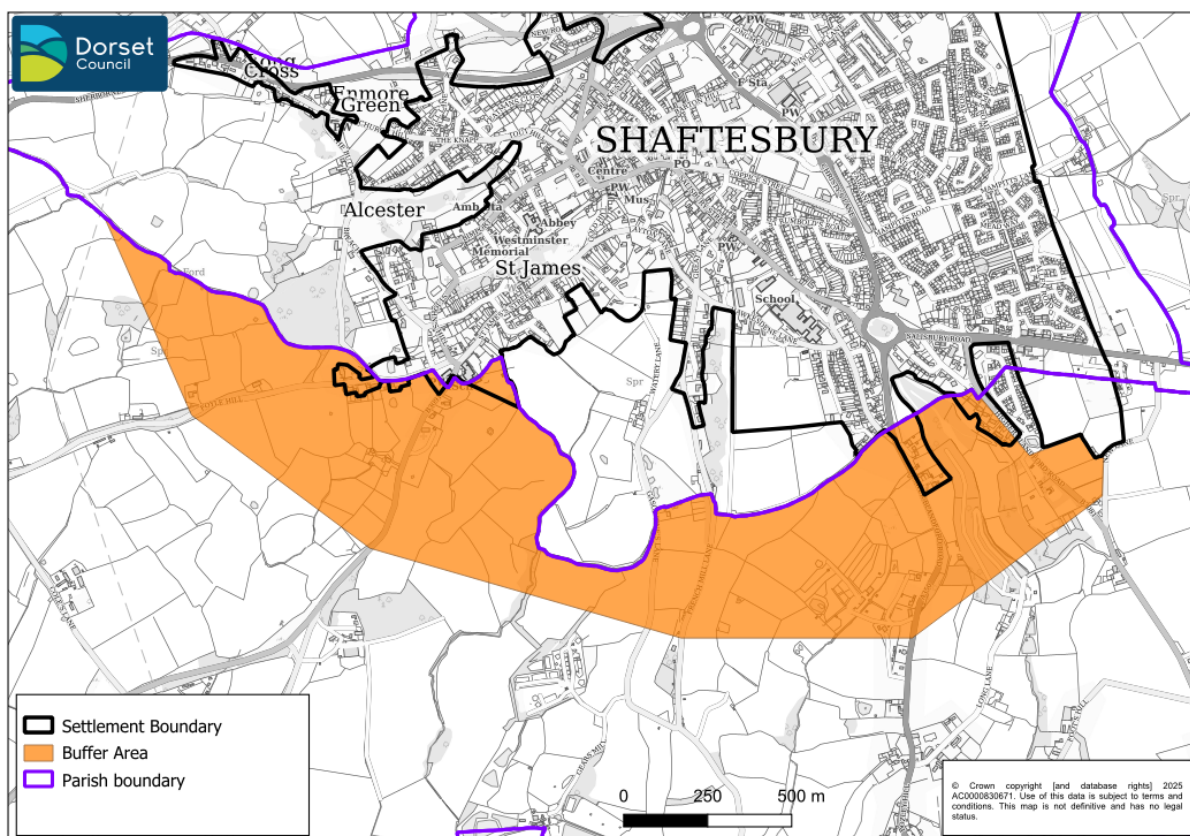
Belt (para 143 lists the five purposes of Green Belt, which includes safeguarding the countryside from encroachment). Therefore, while this is not explicitly a Green Belt policy, it appears to serve a very similar purpose. NPPF para 144 goes on to say that new Green Belt should only be established in exceptional circumstances, and that any such proposals should be set out in strategic policies. If this policy is read as essentially providing Green Belt-type restrictions by another name, then it appears to be contrary to national policy.

- Shaftesbury is one of the four main towns as defined by the North Dorset Local Plan. Our 2021 Dorset Council Local Plan consultation includes it as a Tier 2 Town in the settlement hierarchy (sitting between larger towns in Tier 1 and larger villages in Tier 3). While we appreciate that the proposed buffer zone is within the Melbury Abbas & Cann neighbourhood area, its intention is clearly to limit the growth options of a Tier 2 town. In order to promote sustainable development, the spatial strategy in the adopted local plan has been to focus growth at the larger settlements, such as Shaftesbury. A similar strategy is likely to continue in the emerging Dorset Council Local Plan. As set out above, we generally consider there to be few development options in this area, nevertheless there is potential for policy conflict if this area was protected by a buffer zone in the neighbourhood plan.
- As discussed above, the LUC North Dorset Strategic Landscape and Heritage Study highlights the sensitivity of the area to the south of Shaftesbury. However, the neighbourhood plan hasn't referred to this as evidence to justify its policy approach. In any case, while we appreciate that the landscape of the area can be considered to be "valued", a Local Plan would need to look at all reasonable alternatives before making such a restrictive designation. This would include balancing the need for development against the potential harm(s), and looking for the best / least harmful options across the entire plan area. It is not possible for a neighbourhood plan to do this, hence it is logical to limit neighbourhood plans to non-strategic policies only. While there are no absolute definitions or thresholds of what constitutes a strategic and a non-strategic policy (this appears to be left to planning judgement, guided by NPPF para 20), it could reasonably be argued that placing a restrictive buffer zone around a large proportion of a Tier 2 town crosses the line into strategic.

In addition to the above general points, we wish to bring some detailed mapping issues to the Examiner's attention in order to inform his understanding.

Map 1 shows the buffer zone (orange) against the OS map and the Shaftesbury parish boundary (purple line).² The scale bar gives a sense of the size of the proposed buffer zone, which we measured to be 124 hectares. The map also shows the existing Local Plan settlement boundary for Shaftesbury (black line). It should be noted that small parts of this cross the parish boundary into Cann. The purpose of the local plan settlement boundary is to provide areas where support is generally given to infill and windfall development. As the proposed buffer zone crosses parts of the settlement boundary, there is some potential for policy conflict/confusion.

² For reference, we created the buffer zone by tracing over the image in the plan.

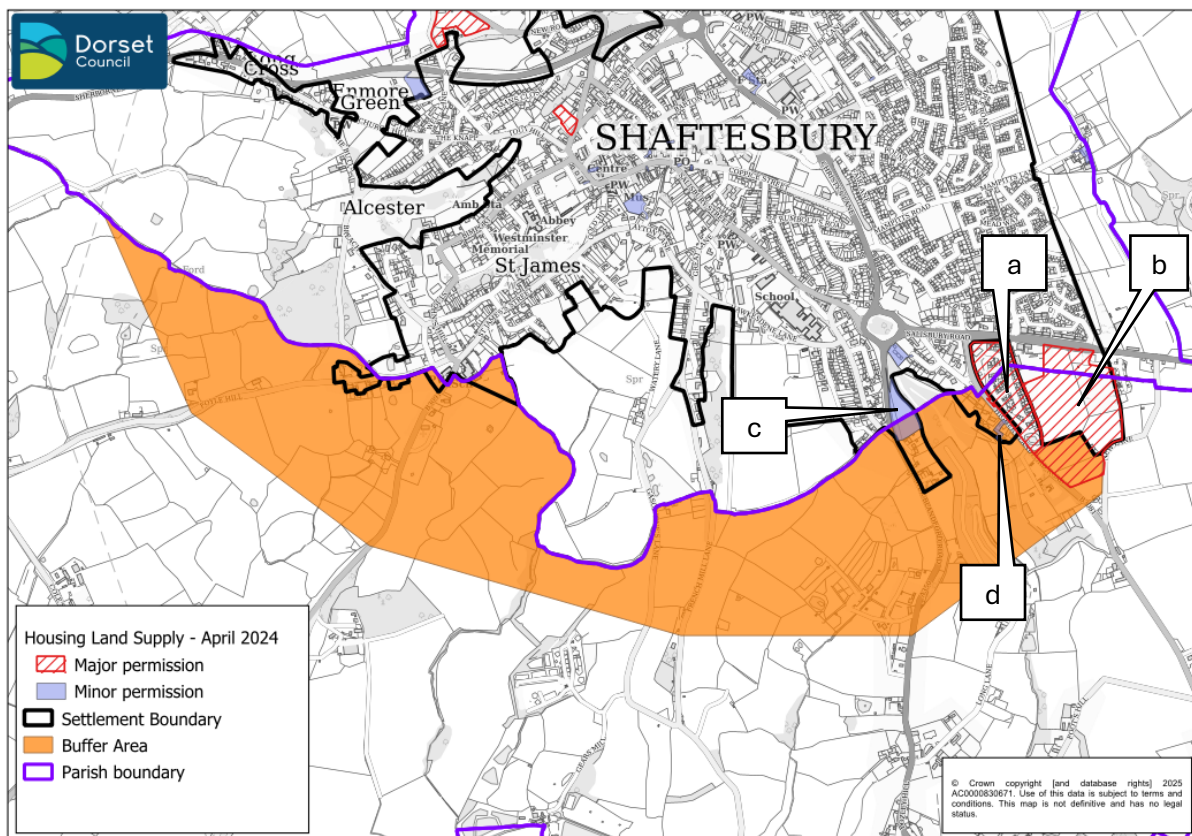


Map 1: Proposed Buffer Zone, parish boundary, and Settlement Boundaries

Map 2 shows the buffer zone in the context of the Housing Land Supply on 1st April 2024 (our most recent dataset). It distinguishes between major and minor planning permissions (i.e. 1-9, and 10+ dwellings). I have identified the relevant permissions using letters:

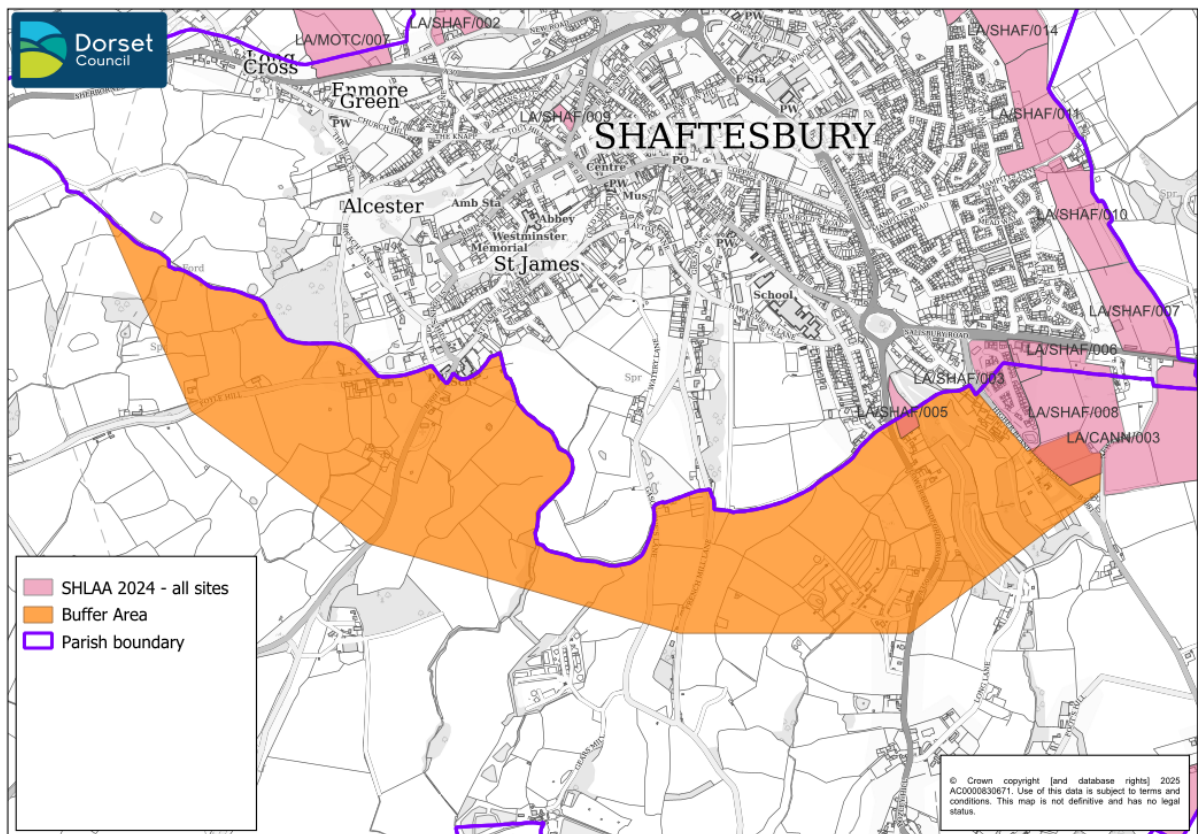
- a. Scheme for 55 dwellings outside the settlement boundary, and also outside the proposed Buffer Zone. Still under construction in 2024, we now consider it complete. This is an example of a speculative development granted consent due to the lack of a 5-year housing land supply.
- b. Outline permission for residential (up to 135 dwellings) plus industrial starter units, commercial uses, primary school, and sports pitches and open space. The area is mostly within the settlement boundary and outside the buffer zone. However, the most southern portion is outside the settlement boundary and in the buffer zone – this area is proposed to be public open space and playing pitches in the indicative block plans provided at the outline stage. Reserved matters have been granted for the residential element of the scheme and construction work has commenced.
- c. Outline permission for 7 dwellings entirely within the settlement boundary and partly within the buffer zone. The illustrative layout shows 4 dwellings in the southern half, which is in Cann parish and in the proposed buffer zone.
- d. Reserved matters granted for 1 dwelling both within the settlement boundary and in the proposed buffer zone.

Essentially, while there are not many examples of extant permissions within the buffer zone, there are some. This is enough to demonstrate that there is potential for policy conflict between the neighbourhood plan and local plan on this matter.



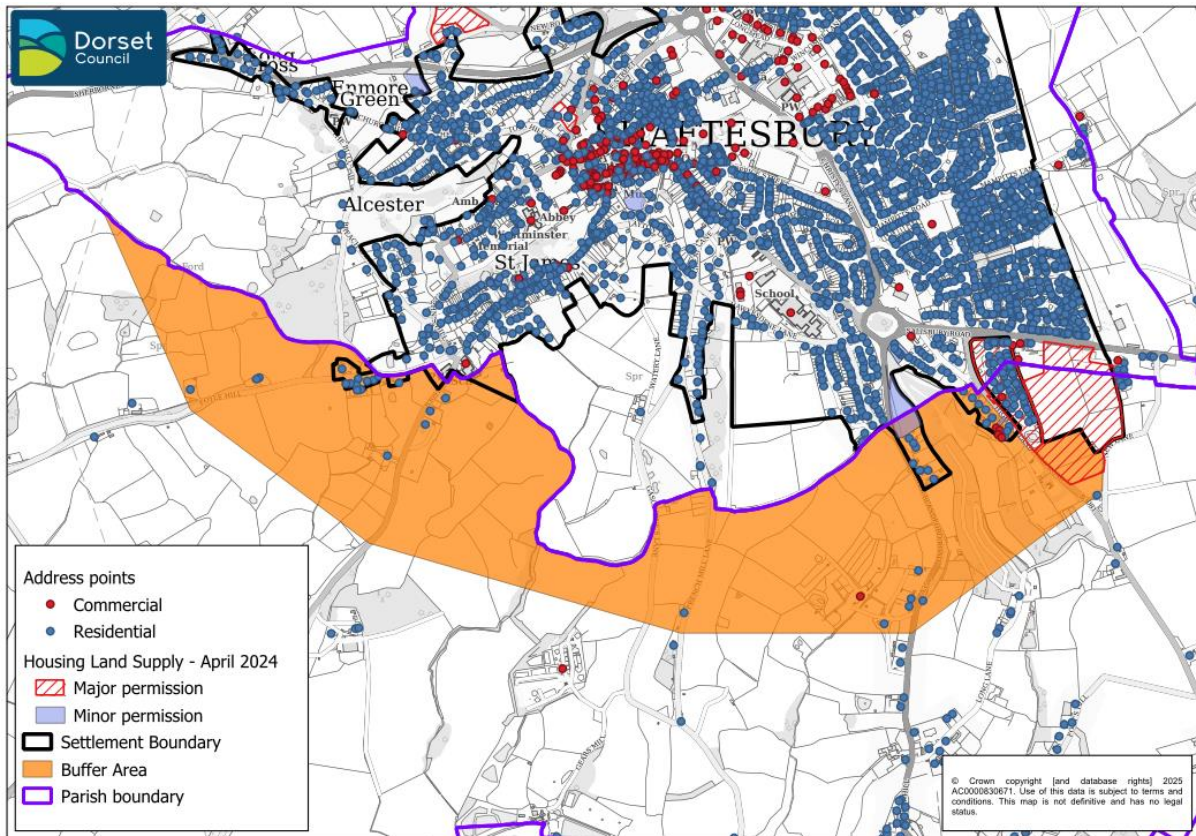
Map 2 Showing the buffer zone and current planning consents (the Housing Land Supply)

Map 3 shows the proposed buffer zone relative to SHLAA sites submitted to us up to 2024. The only SHLAA sites within the buffer zone are ones that have already got planning consent, and have already been discussed with respect to Map 2. This supports the assertion that this area has generally not attracted the attention of developers and land promoters, with the exceptions of the sites already discussed.



Map 3 The buffer zone and SHLAA sites

Finally, Map 4 shows the proposed buffer zone in the context of existing address points (both commercial and residential). This is intended to give a feeling for how many people and businesses already lie within the buffer zone and the surrounding areas. Essentially, while the southern edge of Shaftesbury (outside the settlement boundary) is sparsely populated, it is clearly not uninhabited.



On reflection, having taken account of all the points above, we consider, that due to its size and close proximity to a Tier 2 settlement, the proposed buffer zone appears to be a strategic policy matter. If the examiner agrees with this assessment then he should consider recommending the deletion of the part of clause ii of Policy 1a referred to in his question.

8. Policy 2c.iii)

Question to MA&CPC and DC.

The first sentence appears confused. Would the following rephrasing convey what is intended? "Proposed development should respect the views and vistas identified in Figures 25 – 46." Comments from both Councils would be welcomed.

We identified that the wording of this first sentence wasn't clear. We therefore support the examiner's proposed rephrasing of this policy. In our view, this succinctly and clearly articulates the neighbourhood planning group's intentions.

12. Policy 4f.

a) Question to MA&CPC. *What does “positive net benefit in energy efficiency” mean?*

b) Question to MA&CPC. *What is the evidence justifying the limits described in Policy 4f. i)?*

c) Question to MA&CPC. *What is the relevance of Policy 4f. ii) and iii) to the determination of a planning application?*

d) Question to MA&CPC and DC. *I question the limits placed on possible locations for the development which is the subject of the policy. The application of Policy 4f. iv) [I note there are two criteria 4f.iv)] and especially v) and vi) would appear to exclude the majority of land in the Plan area when considering the extensive views from the viewpoints and the requirement of being screened from view from highways and other public rights of way. These constraints appear so severe I am considering recommending that the policy should be deleted. I would welcome comments from both Councils.*

The examiner will be aware that we identified a number of issues with this policy in response to the Regulation 16 consultation. It is our impression that this policy is seeking to place numerous restrictions on renewable energy technology at a time when it is most needed (due to climate change and rising energy costs). The policy requirement for any scheme to be “fully screened” essentially from any public view is in our view overly restrictive. Unless the group can justify their approach with evidence, for example, by demonstrating that there are significant areas where this objective can be achieved, then we would agree with the examiner that the policy serves no useful purpose and therefore should be recommended for deletion. While we appreciate that the community may have concerns regarding the number and scale of ground-mounted solar arrays, the Council scrutinises each application carefully for its potential impact on landscape and heritage using local and national policies.

Appendix 1

Emails between William Kenealy (neighbourhood planning group) and Philip Reese (Dorset Council) – dated 11 March 2025

Philip Reese

From: Philip Reese
Sent: 11 March 2025 16:02
To: Will
Subject: RE: Submission of the Melbury Abbas & Cann Neighbourhood Plan

Hi William,

I've not read everything in detail, but the Consultation Statement looks much better, providing details of all your previous consultation activities.


However, unfortunately I think I've identified one outstanding matter. The regulations require the consultation statement to provide details of the persons and bodies "who were consulted". I pointed out in December that while one of your appendices listed organisations who had responded, this wasn't the same thing. Please can you either clarify that the list of Organisations in Appendix C is the list of groups that you consulted, or provide a separate list with those groups.

Kind regards,

Philip Reese
Senior Planning Policy Officer
Economic Growth and Infrastructure
Dorset Council


[dorsetcouncil.gov.uk](https://www.dorsetcouncil.gov.uk)



From: Will 
Sent: 11 March 2025 14:33
To: Philip Reese <philip.reese@dorsetcouncil.gov.uk>
Subject: Re: Submission of the Melbury Abbas & Cann Neighbourhood Plan

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Philip: Thanks, Amy is managing the evidence base so I'll get in touch with her and get back to you ASAP.

William

On 11 Mar 2025, at 13:00, Philip Reese <philip.reese@dorsetcouncil.gov.uk> wrote:

Thanks, William.

I note that the supporting documents all appear to be in Google Docs format. I would have preferred them to be PDFs. Are you happy for me to convert them to PDF or have you got PDF copies you can send me? I really need the documents available on our website. Key documents, like the Consultation Statement and the Basic Conditions Statement need to be printed on paper for the consultation and to send to the examiner.

I've also noticed that some of the links require me to sign in to Google Drive in order to access them, which I'm not keen on doing. If you can't send me the PDFs, please can you ensure all the links can be accessed without needing to sign in.




Kind regards,

Philip Reese
Senior Planning Policy Officer
Economic Growth and Infrastructure
Dorset Council


dorsetcouncil.gov.uk

[<image001.jpg>](#)

[<image002.png>](#) [<image003.png>](#) [<image004.png>](#)

From: William Kenealy 
Sent: 11 March 2025 11:22
To: Philip Reese 
Cc: clerk@melburyabbascannparishcouncil.co.uk; David Webber

Subject: Submission of the Melbury Abbas & Cann Neighbourhood Plan

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Philip: See our plan attached below.

[Evidence base](#)

Hopefully you have access to the relevant documents. You can of course use your discretion as to what goes up. It would be good to leave these as live links if possible, especially the spreadsheets, though appreciate not all may be suitable to keep as Google links.

We spent many hours working on it, so if there are any errors we can only apologise and hope it goes down well at Reg 16 and Examination.

We have edited minor typos, smoothed the grammar, added the evidence base summary and the odd photo, and corrected out-of-date facts: i.e: Land South A30 and corresponding housing figures and status of the Local Plan.
There is no change to policies.

We also had to reimport most of the maps, as they had lost their resolution. Some may not be perfect but we tried to do all of them.

Again, thanks for your assistance during the entire process.

Regards,
William

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Appendix 2

Emails between William Kenealy (neighbourhood planning group) and Philip Reese (Dorset Council) – dated 12 and 13 March 2025

Philip Reese

From: Philip Reese
Sent: 13 March 2025 17:00
To: William Kenealy
Subject: RE: Consultation

Many thanks, William. I think everything is in order now. Hopefully I will be able to send the letter confirming that the submitted plan meets all the legal requirements at this stage in the next few days. I will send this to the parish clerk but will copy you in.

In due course, I will arrange for the Regulation 16 consultation to begin, and I will arrange for the appointment for an independent examiner.



Please let me know if you have any further questions.

Kind regards,

Philip Reese
Senior Planning Policy Officer
Economic Growth and Infrastructure
Dorset Council


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From: William Kenealy 
Sent: 12 March 2025 15:46
To: Philip Reese 
Subject: Consultation

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Philip: We revised Appendix C. Let me know if this is sufficient. I went through all my emails and records the past two days to ensure that the list is accurate.

Click [here](#) to see where this table now sits in the Plan.

It has the following preamble:

In addition to local residents, the following organisations responded to the formal 6-week Reg 14 consultation. For a list of organisations that were consulted throughout the Plan process please refer to [How MA&CNP38 Consultation was Carried Out](#); a full list of anonymised responses are listed [here](#). The organisations consulted throughout the process are detailed below:

Organisation	Consulted during Plan development	Given formal notice of Reg 14	Responded to Reg 14
Ashmore Parish Council	Yes	No	No
BT (inc EE), Vodafone, Three and O2	No	Yes	No
Compton Abbas Airfield	Yes	No	No
Compton Abbas Parish Council	Yes	No	No
Cranborne Chase AONB Management Group	Yes	Yes	Yes
Cranborne Chase National Landscape Management Group (formerly AONB)	Yes	Yes	Yes
DC's Housing Enabling Officer	No	Yes	Yes
DC's Senior Conservation Officer	No	Yes	Yes
DC's Transport Development Liaison Manager/team	No	Yes	Yes
Donhead St Mary Parish Council	Yes	No	No
Dorset Council - general/Link Officer	Yes	Yes	Yes
Dorset Council's Senior Conservation Officer	Yes	Yes	Yes
Dorset Council's Senior Ecologist	Yes	Yes	Yes
Dorset Council's Senior Ranger	Yes	Yes	Yes
Environment Agency	No	Yes	Yes
Fontmell Magna	Yes	No	No
Highways England	No	Yes	No
Historic England	No	Yes	Yes
HMP Guys Marsh Prison (a significant employer in the Neighbourhood Area)	Yes	No	No
Housing associations and CLTs	Yes	No	No
Land Agent for Entrance to Cann (proposed LGS at the time)	Yes	Yes	Yes
Land Agent for the Land South Melbury Motors	Yes	Yes	Yes
Land Agent/landowner for Southbank Farm	Yes	Yes	Yes
Local walking group	Yes	No	No
Mobile Operators Association	No	Yes	No
Motcombe	Yes	No	No
Natural England	No	Yes	Yes
NHS Dorset CCG	No	Yes	No
Openreach	No	Yes	No
Public Health Programme Advisor	No	Yes	No
Scottish and Southern Energy	No	Yes	No
Shaftesbury Civic Society	Yes	No	No

Shaftesbury Town Council	Yes	No	No
Southern Gas Network	No	Yes	No
The Abbey School on the Shaftesbury/Cann border (which covers the catchment area for the parishes)	Yes	No	No
The Orchards and Margaret Marsh Parish Council	Yes	No	No
The Stours Parish Council	Yes	No	No
The Village Hall Committee	Yes	No	No
Wessex Water	Yes	No	No
Wiltshire Council	No	Yes	Yes

Appendix 3

Screenshot of Dorset Council's folder of submission documents

