

INDEPENDENT EXAMINATION OF THE MELBURY ABBAS AND CANN

NEIGHBOURHOOD DEVELOPMENT PLAN

EXAMINER: Andrew Mead BSc (Hons) MRTPI MIQ

Examination Ref: 01/AM/MA&CNP

William Kenealy
Melbury Abbas and Cann Neighbourhood Plan Steering Group

Philip Reese
Senior Planning Policy Officer
Dorset Council

Via email

2 July 2025

Dear Mr Kenealy and Mr Reese

Following the submission of the Melbury Abbas and Cann Neighbourhood Development Plan (the Plan/(MA&CNP) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Melbury Abbas and Cann Parish Council (MA&CPC) and Dorset Council (DC), to which I would like to receive a written response(s) by **Thursday 17 July 2025**, if possible.

1. Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement; the Consultation Statement; the Strategic Environmental Assessment Screening Report; the Habitats Regulations Assessment Screening Report; and the Regulation 16 representations, to enable me to undertake the examination.

It would appear that the Plan was submitted to DC on 12 March 2025. One of my questions to DC asks for confirmation of this submission date. If the Plan was submitted on 12 March 2025, then all references in this examination will read across to the December 2023 version of the National Planning Policy Framework (NPPF). Whilst a revised NPPF was published on 12 December 2024, Paragraph 239 of that document includes transitional arrangements for neighbourhood plans, stating that the new NPPF only applies to neighbourhood plans submitted to the Local Planning Authority after 12 March 2025. However, if the submission date was later than 12 March 2025, then the NPPF (December 2024) will apply.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during once I have received the response to my questions. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from MA&CPC and DC.

I have 13 questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response(s) by **Thursday 17 July 2025**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6 – 8 weeks of submission of the draft Plan. However, as I have raised a number of questions, I must provide you with sufficient opportunity to reply. Consequentially, and dependent on when you are in a position to respond, the examination timetable may be extended. Please be assured that I will aim to mitigate any delay, should it arise, as far as is practicable. The IPE office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Parish Council and Dorset Council websites.

Thank you in advance for your assistance.

Yours sincerely

Andy Mead

Examiner

ANNEX

From my initial reading of the Melbury Abbas and Cann Neighbourhood Development Plan, the supporting evidence and the representations that have been made to the Plan, I have the following questions for MA&CPC and/or DC. I have requested the submission of responses by **Thursday 17 July 2025**, although an earlier response would be much appreciated.

Where I am requesting additional clarification, suggested text and similar, this is with a view to informing the specific terms of any relevant examiner modifications that I may recommend. Accordingly, all of the points set out below flow from the requirement to satisfy the Basic Conditions.

Questions to Melbury Abbas and Cann Parish Council (MA&CPC) and Dorset Council (DC)

Specific questions of clarification to the Councils are listed below, but I am happy to receive comments from either Council on any of the questions which are not directed at them in the first instance.

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?

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?

3. Policy 1b.

Question to MA&CPC. In the Regulation 16 representation, DC comments that the minimum number of dwellings provided over the Plan period should be 10 rather than 45. Does MA&CPC have any comments and, if that figure is accepted, what number of affordable dwellings should replace the 17 in Policy 1b and in Policy 1d?

4. a) Question to MA&CPC. Policy 1d 2nd paragraph refers to “First Homes and those delivered through a Section 106 agreement should be offered first to eligible people...”. In the interests of clarity, would it be more appropriate to merely say “Affordable housing should be offered first to eligible people”?

b) Question to MA&CPC. Policy 1d (3rd paragraph) refers to “vistas of local importance”. Are these derived from Policy 2c?

5. Policy 1e.

Question to MA&CPC. The site at St Anne’s Close, Guys Marsh is allocated for 8 dwellings of 100% affordable housing. What evidence is there such a policy is viable and deliverable? If this brownfield site is suitable for development for affordable housing as indicated in paragraphs 76 to 78 of the Plan, why should it not be developed for open market housing?

6. Policy 1g.

a) Question to MA&CPC. The site at Southbank Farm, Cann Common is allocated for up to 10 dwellings, 40% of which would be affordable. Policy 1g. vi) seeks a modern village hall on

the southern section of the site together with other community facilities. Is there a conflict with paragraph 97 of the Plan which states that 5 of the 10 dwellings will be affordable?

b) Question to MA&CPC. What is the evidence to show that building the affordable dwellings and the new village hall would be viable and deliverable?

c) Question to MA&CPC. How would the policy be implemented, given that the provision of the new village hall appears to have little connection with overcoming planning objections and which is necessary to comply with government guidance (See NPPF paragraphs 55 and 57).

7. Policy 2b.iii)

Question to MA&CPC. Are there any areas designed for tree planning in the Neighbourhood Plan area?

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.

9. Figures 25 – 46.

Question to MA&CPC. The viewpoints identified by a Green Star on the Maps must be within the Neighbourhood Plan area. Therefore, Figures LIZ2b, LIZ5, LIZ7b, and possibly LIZ2a and LIZ8 appear to be wrongly included. Please may I have comments from the Council?

10. Local Green Spaces (LGS)

Question to MA&CPC. Paragraph 159 of the Plan states that there are 4 identified spaces that are eligible to be designated as LGS. The Plan lists three LGS (See pages 73 -76 of the Plan). Which is correct?

11. Policy 4d.

Question to MA&CPC. Please would the Council comment on the representations from Dorset Council on this issue? It seems to me that criteria i) and ii) should be linked by “or”; whilst the other two criteria stand alone.

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.

13. Policy 4i.

Question to MA&CPC. The description of LGS3 implies that the boundary of the LGS was not determined at the time of the submission of the Plan, pending agreement with Wessex Water. Has that been resolved and, if so, please may I have a copy of a map showing the agreed boundary?