

Marnhull Neighbourhood Plan Examination

Dorset Council's Response to Examiner's Questions

4 November 2025

1. Plan Submission Date

Question to DC. *What was the date of the submission of the MNDP to DC?*

DC response:

We received an email on 14 July 2025 to say that the SEA and updated version of the Conservation Area Appraisal had been uploaded to the cloud storage. The email added that this “hopefully concludes the ‘submission’ of the Neighbourhood Plan to Dorset Council.” With no new documents submitted after that date, we’ve recorded that as the date of submission.

2. Marnhull Conservation Area

Question to MPC. *Proposed changes to the existing Conservation Area are shown on the Map at page 95 of the Plan in Appendix 6. Echoing the comments of DC (page 4 of the Regulation 16 representation) and noting that the process for reviewing and revising the Conservation Area is separate to the neighbourhood planning process, I am considering recommending the replacement of the current Map in Appendix 6 with a Map showing only the existing Conservation Area. Does MPC have any comments?*

No DC response.

3. Housing Numbers

Question to DC. *Paragraph 30 of the NPPF states that neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies. Is DC satisfied that the strategic policies for the area are not undermined by the MNP?*

DC response:

Our understanding of NPPF para 30 is that “strategic policies” refers to policies in the *adopted* local plan. Footnote 17 cross-refers to the basic condition of having “general conformity with the strategic policies contained in any development plan that covers their area.” Our view is that the neighbourhood plan is in general conformity with strategic policies in the adopted North Dorset Local Plan Part 1 (2016). Our concern is that the plan might not be in conformity with the *emerging* Dorset Council Local Plan. However, as the DCLP is at an early stage of preparation, it is difficult to be certain of this. In any case, NPPF para 31 applies, which states that the most recently adopted plan takes precedence where there is a conflict in policies.¹

¹ Echoing the statutory position set out in Section 38(5) of the Planning and Compulsory Purchase Act 2004.

Therefore, if the DCLP is adopted after the MNP, and there is a conflict, then the policies in the DCLP would take precedence.

At this stage, our concern is that the draft policies in the MNP (such as Policy 3 and Policy 7) may make future strategic plan making difficult. PPG paragraph 009 (41-009-20190509) states (with our emphasis):

Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. **For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.**

This paragraph in the PPG goes on to say that the LPA and the QB should work collaboratively to resolve any issues and minimise any conflicts between policies in the NP and the emerging LP. In this regard, we wish to point out that our response to the Regulation 14 consultation on the matter of a housing need figure is reproduced on page 118 of the draft NP. This recommends that 17dpa for Marnhull can be seen as a *minimum*. It also cautions that the figure may be revised at a later date in the Dorset Council Local Plan. We stand by this advice. Our concern with the draft NP, and in particular Policy 7, is that it seems to consider 17dpa as a *maximum*.

We appreciate that Appendix 12 of the submitted NP takes into account the revised standard method and the higher housing need for Dorset. When taking a 'proportionate share' on this figure, this creates a significantly higher figure for Marnhull (going from 9.0 dwellings per annum to 16.9 dwellings per annum). While we believe this to be positive step, it should be recognised that it is still fundamentally based on the existing spatial strategy which seeks to limit growth at the larger villages.

Just to sum up the current situation, Dorset Council's overall housing need was increased by c.80% less than 12 months ago, and we are now exploring options regarding whether this target can be achieved. Our proposals in the August 2025 DCLP Options Consultation involve amending the spatial strategy to allow greater growth at the settlements further down the settlement hierarchy (e.g. tier 3 'larger villages'). The consultation finished on 31 October. We have received a large number of responses (several thousand), and so we have not had chance to consider all of these. It would be reasonable to assume that we've received a mixture of responses which we will need to carefully consider before producing the publication version of the Local Plan (regulation 19).

4. Settlement Boundary

Question to MPC and DC. *There are five deletions to the Settlement Boundary shown on Map 3, one of which is the area of land, the Paddock, to the east of Church Hill where the Plan merely states there is no need for infill development at this time. It seems to me that, unlike the other proposed deletions, there is no substantial identified constraint which should lead to its exclusion from the Settlement Boundary. In addition, the Settlement Boundary does not take into account the latest planning permissions at Burton Close, Crown Road and Salisbury Street, Butts Close and Tess Square as shown on Appendix 1 of the DC Regulation 16 representation.*

Therefore, given that DC states that in the Dorset Local Plan Options Consultation (August 2025) all settlement boundaries may be deleted and a flexible settlements policy included, (See Appendix 7 of the DC Regulation 16 representation: paragraph 11.4.1), my inclination is to recommend maintaining the Settlement Boundaries as they are now pending further work on the Dorset Local Plan and a revision of the Neighbourhood Plan. An alternative approach would be to update the Settlement Boundary by the inclusion of the planning permissions referred to above. I would welcome comments from both Councils.

DC response:

As mentioned in our answer to Q.3 (see above), we will need to carefully consider representations received on the Local Plan consultation before producing the publication version of the LP. In the meantime, Dorset Council is generally supportive of local communities updating their settlement boundaries through neighbourhood plans. In the case of the draft Marnhull NP, we feel that on the whole the changes are at such a small scale that we don't think they will affect delivery of the local plan strategy. We have seen Regulation 16 representations regarding the paddock at Church Hill. This is the first time this site has been brought to our attention and therefore we are relatively unfamiliar with it. In theory, it could be the sort of site that might be developed as a result of the 'flexible settlements policy' if it is left outside the revised settlement boundary and the adopted version of the DCLP includes such a policy.

With regards to the larger sites that already have planning permission, we are content that the two site allocations (Policies 8 & 9) can be left outside of the settlement boundary because they are clearly marked in the plan as site allocations. However, unfortunately when looking into this matter we have identified a potential issue with Tess Square. While we appreciate that it was allowed on appeal after the Regulation 14 consultation and therefore does not form a prominent part of the development strategy in the NP, it does form a requirement of Policy 9 ("[Butts Lane] should be phased with the delivery of Tess Square... under P/OUT/2022/02644 (or an appropriate equivalent)...." Given that the development of Tess Square is a hard requirement of Policy 9, this suggests that the Tess Square site should be identified or allocated in some way in case the current permission lapses.

5. Local Green Space (LGS)

- a) **Question to MPC.** Which LGS in the submitted Plan were the subject of an objection by the respective landowner when consulted during the consultation process in early 2025?

No DC response.

- b) **Question to DC.** DC questions the inclusion in the Plan of Local Green Spaces LGS05, LGS07, LGS08 and LGS10 (See DC Regulation 16 representation pages 5 – 11). Which of the designation criteria does each of the LGS fail to meet?

DC response:

The main criteria for LGS designation are set out in NPPF paragraph 107:

107. The Local Green Space 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.

The definition allows for a certain degree of judgement with regards to what constitutes terms such as “close proximity” “demonstrably special” and “local in character”. Paragraph 013 of the PPG (37-013-20140306) refers to “local discretion” and paragraph 015 (37-015-20140306) states that “a degree of judgment will inevitably be needed.” Our view is that a balanced view needs to be taken between the benefit of designating special sites as LGS and not using the designation too widely “as a ‘back door’ way to try to achieve ... Green Belt by another name.”

In addition, NPPF paragraph 106 states (with our emphasis):

106. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be **consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services**. Local Green Spaces should only be designated when a plan is prepared or updated, and be **capable of enduring beyond the end of the plan period**.

The sections that we have highlighted tie in with our concerns given in our response to Question 3 (see above). In essence, the government has made clear that LGS shouldn't be used as a means to block sustainable development. Widespread and indiscriminate use of the LGS designation could essentially sterilise land for decades to come. The final line of paragraph 106 is a key consideration here (“capable of enduring beyond the end of the plan period”), bearing in mind the increased housing need figure for Dorset, as set out in our response to Question 3 (see above).

We have proposed LGS07 as a potential housing option site in the DCLP August 2025 consultation. This was submitted to us as a SHLAA site in 2023 on behalf of the present landowner. The SHLAA submission is fairly minimal, with no supporting documents, but does suggest that the site could be used for housing, a cricket pitch and a potential extension to the graveyard. If the site is designated as LGS we would question whether any of this could happen because it would involve significantly changing the nature of the site, whereas the LGS policy (3.d) seeks to prevent development that would harm their reason for designation.

With regards to LGS05 parts of the proposed LGS may possibly be needed for future development. It cannot be ignored that this location, being near to the centre of the village, would be a sustainable location for development. A balance has to be struck between the desirability of preserving the land as it is, and the desirability of permitting sustainable development.

To summarise our concerns regarding sites LGS05, LGS07, LGS08 and LGS10, we believe they are all too large and therefore can be considered extensive tracts of land; and that they are used as farmland and therefore are not of “particular importance” or “demonstrable special” in any commonly understood meaning. Our view is that the aspects that are important, such as public rights of way and the setting of listed buildings, are already afforded protection. LGS is clearly a strong designation that allows communities to give long-term protection to sites that are particularly important/special; it is therefore only appropriate when there is strong and convincing evidence that the criteria are met and that the designation is not overused so as to potentially frustrate future sustainable development.

c) Question to MPC. *I also consider LGS09 may not meet the designation criterion of being demonstrably special to the local community. Does MPC wish to comment on the suggested exclusions?*

DC response:

To explain Dorset Council’s position, we considered LGS09 along with the other LGS proposals when making our Regulation 16 response. Our impression was that it appeared to be less intensely farmed than other LGS sites (particularly nearby LGS10). The “reason for designation” given in Appendix 8 stated: “Haven for local wildlife - prime example of traditional hay meadow crossed my many local footpaths, beautiful, secluded and tranquil. This space also allows very good view of St Gregory’s tower.” We felt that LGS09 had demonstrably greater value to the community than other proposed LGS sites, and so we chose not to object to it.

6. Green Gaps

Question to MPC. *For reasons outlined in the Regulation 16 representation, DC suggests that the use of the Green Gap designation is an attempt to achieve Green Belt policy by another name and has the potential to undermine future plan making. This is similar to how LGS may be misused.² Therefore, I am considering recommending the deletion of the Green Gap clause from Policy 3 (third bullet point beneath a) and from the relevant Maps in the Plan. Does MPC have any comments?*

No DC response.

7. Eastward and Southward extensions of Marnhull

Question to MPC and DC. *Policies 8 and 9 describe requirements for development on the two major housing extension sites at Marnhull. Each policy includes a Map. The Maps provide a useful analysis of issues at each site. However, when examining the layouts, there appear to be incompatibilities where the reserved matters application has been approved at Crown Road. Furthermore, the layouts shown for Salisbury Street and Butts Lane are extremely prescriptive and may not be achievable. Both policies include the clause: “The development should ensure the following: etc,”. I am considering recommending modification of both policies by explaining that the Maps are indicative, as already stated in paragraphs 8.14 and 8.18 of the Plan, but they are for illustrative purposes only. In addition, I am considering recommending that the requirements in the*

² PPG Reference ID: 37-015-20140306.

bullet points of each policy should generally be qualified by “where possible and appropriate”. I would welcome comments from both Councils.

DC response:

We would support such recommendations as a pragmatic way forward given the planning status of these sites.

In terms of the maps, we should point out that we recommended to the qualifying body that it might be useful to create and include these maps in our response to the Regulation 14 consultation. This was because we noted various typos/errors with the policy wording and we felt a visual guide might help with clarity. We still believe that the maps provide a much clearer idea of the community’s aspirations for the sites. However, there is a principle established in planning practice that where there is a conflict between the text and maps, the text prevails.³ It is therefore sensible to clearly label the maps as indicative, where appropriate.

8. Community Facilities

Question to MPC. *Map 6 includes three delineated proposals for: “additional allotments”, “cemetery extension” and “recreation ground extension”. How are these proposals to be delivered? Has the landowner been consulted in each case and ensure the proposals can be achieved?*

No DC response.

³ The principle is encapsulated in Regulation 9(2) of The Town and Country Planning (Local Planning) (England) Regulations 2012.