



Intelligent Plans
and examinations

Report on the Marnhull Neighbourhood Development Plan 2024 – 2038

**An Examination undertaken for Dorset Council with the support of
Marnhull Parish Council on the June 2025 submission version of the
Plan.**

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Main Findings - Executive Summary

From my examination of the Marnhull Neighbourhood Development Plan (MNDP/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 Marnhull Parish Council (MPC);
- The Plan has been prepared for an area properly designated – the Marnhull Neighbourhood Plan Area as shown on the Map on page 4 of the Neighbourhood Plan;
- The Plan specifies the period during which it is to take effect: 2024 - 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

Marnhull Neighbourhood Development Plan 2024–2038

- 1.1 Marnhull is located about 5km north of Sturminster Newton and 10km south west of Shaftesbury. An attractive village, Marnhull is set within undulating mixed pasture and arable farmland immediately east of the River Stour in countryside characterised by hedgerow boundaries and many mature trees, with views eastwards towards the Cranborne Chase National Landscape and westwards over the Blackmore Vale. In 2021, the population of Marnhull Parish was just over 2,000.¹
- 1.2 The preparation of the Marnhull Neighbourhood Development Plan (MNDP) began with the formation of a Steering Group in 2023, prior to which the Marnhull Neighbourhood Plan Area had been designated in 2020. Led by the Steering Group, evidence was collected, consultations were held and the final version of the Plan was submitted to Dorset Council (DC) in July 2025.

¹ 2021 Census; paragraph 2.3 of the Plan.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the MNDP by DC with the agreement of Marnhull Parish Council (MPC).
- 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 Marnhull area, excluding policies relating to minerals and waste development, includes the North Dorset Local Plan (NDLP) which was adopted by North Dorset District Council in January 2016.⁴ This is being replaced by the Dorset Council Local Plan (DCLP). The Local Development Scheme⁵ for DC suggests an adoption date for the Local Plan in winter 2027. In August 2025, DC began an

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.

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

⁵ View at: <https://www.dorsetcouncil.gov.uk/w/the-local-development-scheme-for-dorset-council>

Options Consultation exercise for the Local Plan which ended in October 2025.⁶ Given the emerging DCLP is at a relatively early stage, I afford only limited regard to the relevant advice in the PPG for the purposes of this examination.⁷

2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF), the latest version of which was published in December 2024. In addition, the Planning Practice Guidance (PPG) offers advice on how the NPPF should be implemented.

Submitted Documents

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

- the draft Marnhull Neighbourhood Development Plan 2024 – 2038 (submission version June 2025);
- the Map on page 4 of the Plan which identifies the area to which the proposed Neighbourhood Plan relates;
- the Consultation Statement (undated);
- the Basic Conditions Statement (June 2025);
- the Strategic Environmental Assessment (SEA) (July 2025);
- the Design Guidance and Codes (February 2025);
- the Views Report (June 2025);
- the Marnhull Village Traffic Survey (June 2025);
- the Conservation Area Appraisal (July 2025);
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the Examiner’s procedural letter of 15 October 2025;
- the responses of 3 November 2025 from MPC and of 4 November 2025 from DC to the questions of clarification in the Examiner’s letter of 21 October 2025.⁸

Site Visit

2.4 I made an unaccompanied site inspection to the MNDP Area on 14 October 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

⁶ View at: <https://www.dorsetcouncil.gov.uk/w/dorset-council-local-plan-options-consultation-2025>

⁷ Relevant advice is set out in PPG Reference ID: 41-009-20190509.

⁸ View all the examination documents at: <https://www.dorsetcouncil.gov.uk/w/marnhull-neighbourhood-plan>

arguments for and against the Plan's suitability to proceed to a referendum.

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 MNDP has been prepared and submitted for examination by the MPC, which is a qualifying body. The MNDP Area extends over all the parish designated by Dorset Council in January 2020. I am satisfied it is the only Neighbourhood Plan for Marnhull Parish and does not relate to any land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.2 The Plan period is from 2024 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 was formed in 2023 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 Regular updates on the progress of the Plan were given to the Parish Council. Updates were posted on the parish web site and the Marnhull Facebook page was used for updates and to announce forthcoming consultations as was the local magazine, the Marnhull Messenger. Flyers were also produced to raise awareness of upcoming consultations and events, such as the example shown on page 1 of the CS. The development of the evidence for the Plan included an initial public consultation in summer/autumn 2023 and a parish wide household survey in November/December 2023. Members of the Steering Group also met various businesses, clubs and associations, schools, Local Green Space landowners and other landowners.

- 3.5 The Design Guidance and Codes which MPC had produced to sit alongside the Plan was the subject of public consultation in May, June and July 2024. An analysis of comments made by consultees, including DC, and members of the public on the Design Guidance and Codes are summarised in Appendix 1 of the CS. The pre-submission Plan was published for consultation under Regulation 14 of the 2012 Regulations from 10 February 2025 until 31 March 2025. 90 responses were received from local residents, representing the views of about 126 individuals, together with one response on behalf of a local group, Marnhull Green TEAMS⁹ An analysis of comments made by statutory consultees, including DC, and members of the public are summarised in Appendix 2 of the CS and which includes the response from the MNDP Steering Group and consequent changes to the Plan.
- 3.6 The final version of the Plan was submitted to DC on 14 July 2025. Consultation in accordance with Regulation 16 was carried out from 8 August 2025 until 19 September 2025. 81 responses were received about the Plan, together with one from DC. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the MNDP, 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'.¹⁰

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 considered this matter independently and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

⁹ Taking the Environment Around Marnhull Seriously (TEAMS).

¹⁰ See section 61K of the 1990 Act.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Strategic Environmental Assessment considered the policies of the Plan and their cumulative impact in relation to biodiversity, climate change (including flood risk), community wellbeing, historic environment, landscape, soil and water resources and transportation. The assessment concluded that the effects were mostly positive or neutral. The only potentially negative effect noted is on landscape due to the impact of an allocation on an important view. However, the allocation has already been granted planning permission for housing and so the cause of the negative effect is not the consequence of the Neighbourhood Plan.
- 4.2 DC carried out a Habitats Regulations Assessment (HRA) Screening, the details of which are included in the Regulation 16 representations (pages 16 - 18). There are no European sites within the Neighbourhood Plan Area and none of the Natural England nutrient neutrality river catchments fall within the area. The nearest European habitats sites to the Plan are the Fontmell Magna and Melbury Downs Special Area of Conservation (SAC), about 8km east of the eastern expansion area of Marnhull, and the Rooksmoor SAC about 6km south west of the southern expansion of Marnhull. The HRA Screening concluded that the MNDP is unlikely to have a significant impact on European habitats sites. An Appropriate Assessment (AA) is therefore not required in this instance. Statutory consultees did not dissent from these conclusions and raised no objections to the submitted Plan.
- 4.3 I have read the SEA Report, the HRA Screening and the other information provided and, having considered the matter independently, I agree with the conclusions. Therefore, I am satisfied that the MNDP is compatible with the EU obligations relevant to this Plan, 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.
- 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.¹¹

- 4.6 Accordingly, having regard to the Marnhull Neighbourhood Development Plan, the consultation responses, other evidence and the site visit, I consider that the main issues in this examination are whether the MNDP 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 MNDP is based on issues raised by the community during the initial stages of the consultation process. The vision is described in paragraph 5.1 (page 13) of the Plan. A series of objectives have then been developed, and which are listed on page 14 of the Plan to help to achieve the vision. The objectives provide the context for the thirteen specific land use based policies.

Policy 1. Heritage

- 4.8 Policy 1 aims to protect and enhance the key characteristics of Marnhull and its features of special interest. I consider that, with one exception, the policy has regard to national guidance and generally conforms with Policy 5 of the NDLP.¹² The exception is the reference to the New Conservation Areas under appraisal, defined on the Map at page 95 in Appendix 6 of the Plan. As indicated by DC in the Regulation 16 representation, there is a separate procedure for the designation of Conservation Areas by the local planning authority. Therefore, until the Conservation Areas in the Plan area are revised, the Map should refer to those which currently exist. Therefore, I shall recommend that the New Conservation Areas should be deleted from the Map in Appendix 6. **(PM1)** The policy would then meet the Basic Conditions.

Policy 2. Design Guidelines on New Buildings, Boundary Treatments, Extensions and Alterations

- 4.9 Policy 2 states that, amongst thirteen other requirements, development proposals should have regard to the Marnhull Design Guidance and Codes. The policy has regard to national guidance¹³, generally conforms with Policy 3 of the NDLP and meets the Basic Conditions.

Policy 3. Green Gaps, Local Green Spaces and the Settlement Pattern

- 4.10 Policy 3 d) defines Local Green Spaces (LGS) and seeks to maintain the historic linear settlement pattern of the separate built up areas of

¹¹ PPG Reference ID: 41-041-20140306.

¹² NPPF: paragraphs 202, 203, 210, 212 and 216.

¹³ NPPF: paragraph 132.

Marnhull village. I have an issue with the cumulative effect of each of those elements of the policy which is demonstrated by the extent of "protected" land on Map 1 (page 31 of the Plan).

- 4.11 The thirteen LGS are described and analysed in Appendix 8 of the Plan together with an accompanying Map on which they are delineated. 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
 - b) local in character and is not an extensive tract of land.¹⁴

LGS should also be capable of enduring beyond the end of the Plan period.¹⁵

- 4.12 DC queried the designation of LGS05 Dunfords (Central Field); LGS07 Field above Burton Street adj Love Lane; LGS08 Field opposite Nash Court and Rec; and LGS10 Area between Tess' Cottage and Carraway Lane.
- 4.13 I can appreciate that LGS05 is valued by the local community but, in my opinion, being so close to the village centre, it can be defined as an extensive tract of land. I realise that there are other examples of designated LGS which are more extensive. However, in this particular case, the proposed LGS adjoins a central part of the village and my interpretation is that the designation appears to serve primarily as a means to avoid the threat of further development beyond the Tess Square scheme, rather than to reflect any intrinsic quality of the land itself. Similarly, LGS07 and LGS08, in my opinion, do not exhibit any demonstrable quality which distinguishes them from other peripheral land on the edge of the villages.
- 4.14 However, I accept that LGS10 provides a context for Tess' Cottage, albeit based on a fictional character, but from a novel written by Thomas Hardy, the renowned author, and which I acknowledge makes the field demonstrably special to the local community. Therefore, I consider that together with the remaining LGS, LGS10 meets all the requirements for designation, which also includes LGS09 which I initially questioned.¹⁶ Representations from the owner of LGS04, the allotments, suggested that they could be relocated closer to the centre of the village. That may be the case and may occur in the future, but the LGS meets the designation criteria and so I shall not recommend its deletion from the list. Accordingly, subject to a recommendation to delete LGS05, LGS07 and

¹⁴ NPPF: paragraph 107.

¹⁵ NPPF: paragraph 106.

¹⁶ See Examiner's letter to MPC and DC of 21 October 2021.

LGS08 from the Map and the list of LGS and the Map in Appendix 8, I consider that this element of Policy 3 meets the Basic Conditions.

- 4.15 Policy 3 a) states that “new buildings, structures and land uses will not be permitted which would undermine the rural, undeveloped nature of the green gaps ...”. The Green Gaps are broadly indicated on Map 1. The key of Map 1 identifies the gaps as Large or Small and on the Map shows a green shaded area within a delineated boundary which the key refers to as Green Gaps (broad location).
- 4.16 Map 1 also includes the LGS and, along with the Green Gaps, the impression given is of swathes of countryside close to and within Marnhull where new building would not be allowed. National policy advises that *“designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.”*¹⁷ In addition, *“designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.”*¹⁸
- 4.17 DC suggested that the Green Gap designation and policy could have the consequence of restricting or prohibiting development in areas that either have planning permission or on land that may be needed to contribute to Dorset’s overall housing need. I agree that the extent and location of the Green Gaps could well significantly hinder the extremely difficult task for which DC has responsibility of identifying land to contribute to the future housing need for this area of Dorset.
- 4.18 I acknowledge the stated reasons for the Green Gaps is to maintain the separate identify of the several hamlets which comprise Marnhull, but the impression of the restriction on development is exacerbated by the width of the displayed Gaps on Map 1. When responding to my questions of clarification, MPC submitted a Map showing the centre lines of the Green Gaps which, in my opinion, illustrates how the Green Gaps should be considered. The lack of the Green Gap delineations would enable flexibility, should not prevent consideration of land for development within the tracts of land should that occur in whatever options emerge for the DCLP or future reviews and would still enable the separation of hamlets which is sought in the MNDP.
- 4.19 Therefore, I shall recommend a modification which would delete the Green Gaps which extend through the areas with planning permission south and east of Marnhull and at Tess Square, but retain the remainder illustrated solely by the centre line which is shown on the Map referred to above. Together with the recommended deletions of LGS, I consider that the choices which DC face on assessing land to meet the future housing needs

¹⁷ PPG Reference ID: 37-007-20140306.

¹⁸ PPG Reference ID: 37-015-20140306.

of this area of Dorset should not be significantly hindered. The Green Gaps also include the one between the Marnhull southern extension and Walton Elm, the centre line of which should be shifted slightly in a southerly direction to a position outside the extension to enable the principle of a gap to be retained here.

- 4.20 Policy 3 a) also includes elements which seek to maintain the linear village pattern of Marnhull. The first clause seeks to ensure that development does not begin to represent a nucleated village (around a new centre). Although the historic development of the village has followed mostly a linear form, recent housing has given a more consolidating shape. My view is reinforced by the comments of the appeal Inspector for the Tess Square and Butts Close schemes.
- 4.21 For example, the appeal decision states: "*Marnhull is rather large and spreading, with more recent housing areas to the east, north and west which are consolidated rather than linear*¹⁹"; and, "*The location and form of the appeal scheme would not be out of place because, although Marnhull exhibits historic linear patterns of development, its character also encompasses consolidated 20th and 21st Century development*²⁰". Furthermore, the appeal decision comments on the provision of a useful local centre for the village: "*The Tess Square part of the scheme, off Church Hill, would deliver a food store and a range of local services and would provide a useful local centre for the village.*"²¹
- 4.22 Therefore, I do not support the emphasis on discouraging a nucleated village around a new centre because this would encourage journeys by car and discourage shorter more sustainable, perhaps multi-purpose trips, on foot. The aim to have simple housing layouts with culs de sac no greater than 100m as sought in the first bullet point of Policy 3 a) is already stated in the Design Guidance and Codes under Policy 2 a) and needs no repetition. The issues dealt with in Policy 3 a) fourth bullet point are also covered by the Design Guidance and Codes.
- 4.23 Accordingly, I shall recommend the modification of Policy 3 by the deletion of the first sentence of Clause a); the deletion of the first and fourth bullet points of Clause a); the amendments to the Green Gaps on Map 1 as described above; and the deletion of LGS05, LGS07 and LGS08 from Map 1 and Appendix 8. **(PM2)** Policy 3 would then have regard to national guidance²², would generally conform with Policies 4 and 15 of the NDLP and would meet the Basic Conditions, including contributing to the achievement of sustainable development.

¹⁹ Appeal decision: APP/D1265/W/24/3353912 paragraph 24.

²⁰ Appeal decision: APP/D1265/W/24/3353912 paragraph 38.

²¹ Appeal decision: APP/D1265/W/24/3353912 paragraph 10.

²² NPPF: paragraphs 106 – 108, 135, 189 and 198.

Policy 4. Tranquillity and Dark Skies

- 4.24 Policy 4 aims to conserve or enhance the perception of tranquillity in the countryside and the intrinsic quality of dark night skies. The policy has regard to national guidance²³, generally conforms with Policy 4 of the NDLP and meets the Basic Conditions.

Policy 5. Important Views

- 4.25 Policy 5 aims to avoid new development being prominent in the landscape and to preserve or, where possible, enhance important views which are comprehensively indicated on Map 2. The coverage of land within the views is so widespread, especially in the area covered by views from the Church Tower and others marked as general views, that the use of the word "preserve" is unacceptable because development which would otherwise be in a sustainable location would be prevented. Therefore, I shall recommend the use of the alternative word "respect". The policy would then have regard to national guidance²⁴, generally conform with Policy 15 of the NDLP and meet the Basic Conditions. **(PM3)**

Policy 6. Woodlands, Hedgerows and Wildlife Areas

- 4.26 Policy 6 considers woodlands, hedgerows and wildlife areas. The policy has regard to national guidance²⁵, generally conforms with Policy 4 of the NDLP and meets the Basic Conditions.

Policy 7. Meeting Local Housing Needs

- 4.27 Policy 7 comprises four clauses, the first of which, Clause a), states that the land allocated in the MNP and the extant planning permissions will meet the identified housing target of at least 238 houses in the plan period 2024 – 2038. In its response to one of my questions, DC confirmed that the Plan is in general conformity with strategic policies in the NDLP. Although recent housing needs data for Dorset suggest that greater demand may be placed on larger villages to accept more residential development, depending on the strategy chosen in the emerging DCLP, I am satisfied that the MNDP need not identify further land for development.
- 4.28 The phrase: "Given the identified supply exceeds the housing need requirement, ..." in the second sentence of Policy 7 a) is only true in respect of the NDLP and may well be out of date by the time the MNDP is made due to the housing needs data in the emerging DLP. The concluding phrase in the same sentence is misleading. The "release of unallocated greenfield sites ..." would only occur through the DLP and would be a strategic allocation which would then supersede the MNDP. Any

²³ NPPF: paragraph 198.

²⁴ NPPF: paragraphs 135 and 187.

²⁵ NPPF: paragraph 187.

speculative planning applications for residential development outside the settlement boundary in the countryside would be dealt with on its merits. Therefore, I shall recommend the deletion of the sentence.

- 4.29 Policy 7 a) also refers to the “revised settlement boundary” which is indicated on Map 3 with the revisions shown on the Map in Appendix 13. The revisions appear inconsistent. I can understand the reasons for the additions shown as “new housing areas”, but if the land marked as “Southward expansion” and “Eastward expansion” on Map 3 which have planning permission for residential development are shown, the area of the permitted Tess Square scheme should also be included as an allocation as indicated by DC.
- 4.30 Furthermore, the proposed deletions at the “Sensitive areas around Listed Buildings ...” and “Large gardens within Conservation Area ...” and “where infill development is not encouraged” may be dealt with more effectively by development management and the application of policies for development which might harm the setting of listed building or fail to preserve or enhance the character or appearance of a Conservation Area. Similarly, the deletion of the paddock would pre-empt consideration of the merits of any development proposal, rather than accepting that “there is no need for infill development at this time”.
- 4.31 I note that one of the options being proposed by DC in the Local Plan is to delete all settlement boundaries and introduce a Flexible Settlements Policy. However, taking all the above factors into account, I shall recommend that the settlement boundary should remain largely as shown by the solid black line on the Map in Appendix 13, but with the addition of the three areas where new construction is complete, together with the nearly completed Burton Street development. I do not support the deletions shown in Appendix 13, other than the recreation ground. Furthermore, the land covered by the Tess Square scheme permitted by appeal APP/D1265/W/24/3353912 should also be marked as a Site Allocation on Map 3, similar to the eastward and southern expansions, but shown as an allocation for businesses/community facilities and public open space. **(PM4)** Subject to those modifications, the policy would have regard to national guidance²⁶, generally conform with Policies 2, 6, 7 and 8 of the NDLP and meet the Basic Conditions.

Policy 8. The eastward expansion of Marnhull

Policy 9. The southward expansion of Marnhull

- 4.32 Policy 8 allocates land north of Crown Road/Salisbury Street for residential development of up to 139 dwellings, public open space and a new community building, including a small proportion of commercial/workspace. Policy 9 allocates land adjoining Butts Close, west of Schoolhouse Lane for residential development of up to 120 dwellings and public open space. Both policies are accompanied by Maps 4 and 5, with

²⁶ NPPF: paragraphs 30, 61, 63 and 66.

each Map preceded by a similar statement (paragraphs 8.14 and 8.18) that the Map is indicative of how the site could be developed.

- 4.33 The eastwards extension, Policy 8, consists of two areas of land with planning permission for residential development, the westernmost of which has reserved matters permission and where construction has started. The indicative layout for the eastern area of land includes part of a Green Gap which, according to DC, would be unlikely to enable the permitted number of houses to be built as well as not showing the preferred location for any sustainable drainage systems.
- 4.34 The southwards extension, Policy 9, already has outline planning permission for 120 dwellings granted on appeal. There is a mismatch between the indicative layout in Map 5 and the indicative layout submitted with the appeal documents, which implies that not all the dwellings permitted could be built and still provide the amount of open space as sought in the MNDP.
- 4.35 Nevertheless, the annotated Maps and constraints identified in the respective sections of the Plan are a useful identification of the issues and the possible solutions involved in developing the allocations. My recommendation is to maintain the Maps 4 and 5 and the policies but make clear the layouts and site details, which are described in the bullet points as illustrative (rather than mandatory), demonstrate one possible way in which the respective developments might be achieved. I am happy that the bullet points remain in the Plan, where they might be seen as aspirations, but would not wish to see them embedded in the Development Plan as a requirement. The modified phrasing is described in **PM5**. Subject to that modification, the policies would each have regard to national guidance²⁷, would generally conform with Policies 7, 13 and 15 of the NDLP and would meet the Basic Conditions.

Policy 10. Business Strategy.

- 4.36 Policy 10 considers opportunities for further businesses and employment. Although paragraph 93 of the NPPF states that the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development, the policy refers to main town centre uses. Therefore, I shall not recommend the deletion of the fourth bullet point of Clause b). Accordingly, subject to the recommended inclusion of the Tess Square scheme in Clause a), the policy would have regard to national guidance²⁸, would generally conform with Policy 11 of the NDLP and would meet the Basic Conditions. **(PM6)**

²⁷ NPPF: paragraph 61.

²⁸ NPPF: paragraphs 85, 93 and 94.

Policy 11. Supporting Community Facilities.

4.37 Policy 11 seeks the retention of community facilities, including those listed in the policy and shown on Map 4. I agree with the representation from DC that the references in the policy should be to Map 6 rather than Map 4, a modification which I shall recommend, together with identifying the location of all the facilities on the list. **(PM7)** The policy would then have regard to national guidance²⁹, would generally conform with Policies 13 – 15 of the NDLP and would meet the Basic Conditions.

Policy 12. Highway Safety, Traffic and Transport.

4.38. Policy 12 considers highway safety, traffic and transport. This policy also has regard to national guidance³⁰, generally conforms with Policy 13 of the NDLP and meets the Basic Conditions.

Policy 13. Flooding and flood mitigation measures

4.39 Finally, Policy 13 deals with flooding and flood mitigation measures. Clauses a) and b) are matters thoroughly covered by national guidance and need not be repeated in the MNP.³¹ Subject to that recommended modification the policy would have regard to national guidance³², would generally conform with Policies 3 and 13 of the NDLP and would meet the Basic Conditions. **(PM8)**

Overview

4.40 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the MNDP 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.

4.41 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; (e.g. using the appropriate grammar in Policy 13 c)) and other similar minor or consequential changes (e.g. using roman numerals or letters in the place of bullet points in policies) 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.³³

²⁹ NPPF: paragraph 98.

³⁰ NPPF: paragraph 111.

³¹ NPPF: paragraph 16 (f).

³² NPPF: paragraph 182.

³³ PPG Reference ID: 41-106-20190509.

5. Conclusions

Summary

- 5.1 The Marnhull Neighbourhood Development 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 MNDP, and the evidence documents submitted with it.
- 5.2 I have made recommendations for eight modifications to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether the referendum area should be extended beyond the designated area to which the Plan relates. The MNDP, 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 MPC, the Neighbourhood Plan Steering Group and other voluntary contributors are to be commended for producing a comprehensive Plan with excellent accompanying documentation, especially the concise BCS. The Plan is logically presented and very well-illustrated. I enjoyed examining it and appreciated the gentle, attractive landscape of the area on my site visit. The Plan benefitted greatly by the constructive comments from DC at the Regulation 16 stage and by the answers from the Councils to my questions. Marnhull will undoubtedly find itself in a challenging position with the likely demands for further housing but, subject to the recommended modifications, the MNDP should make a positive contribution to the Development Plan for the area and should enable the attractive character and appearance of Marnhull Parish to be maintained whilst enabling necessary sustainable development to proceed.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Policy 1 Appendix 6: Map on page 95	Delete "New Conservation Areas under appraisal" from the key and the Map.
PM2	Policy 3	<p>Delete the first sentence of Clause a).</p> <p>Delete the first and fourth bullet points from Clause a).</p> <p>Delete the Green Gaps (broad location) from Map 1 leaving the Green Gaps to be represented by the centreline.</p> <p>Delete the Green Gaps from the land covered by the eastwards and southwards expansions as indicated on Map 3, and from the land covered by the Tess Square scheme (as recommended to be included on Map 3), but with a southwards shift of the relevant centreline to maintain the gap between the extended Marnhull settlement and Walton Elm.</p> <p>Delete Local Green Spaces LGS05, LGS07 and LGS08 from Map 1 and Appendix 8.</p>
PM3	Policy 5	In Clause b) substitute: "... should respect ..." for "... should preserve ...".
PM4	Policy 7	<p>Amend Clause a) to "The revised settlement boundary is shown on Map 3".</p> <p>Map 3 should show the settlement boundary as defined by the Map at Appendix 13 without the deletions, other than the recreation ground, but with the four additions where new housing has been, or is nearing completion, and with the land covered by the allowed appeal APP/D1265/W/24/3353912 for Tess Square marked as an allocation site for businesses/community facilities and public open space.</p> <p>Appendix 13 and Map 6 should also be amended as a consequence of the modifications to Map 3.</p>
PM5	Policy 8	Amend Clause b) to: "The development should ensure the following:" and substitute:

	Policy 9	<p>“b) Map 4 shows an indicative Plan for the eastward expansion of Marnhull and illustrates one way in which the site might be developed taking into account the various constraints and opportunities identified in paragraphs 8.12 and 8.13 and as far as possible and practicable ensure the following”.</p> <p>Amend Clause b) to: “Map 5 shows an indicative Plan for the southward expansion of Marnhull and illustrates one way in which the site might be developed taking into account the various constraints and opportunities identified in paragraph 8.17 and as far as possible and practicable to ensure the following”.</p>
PM6	Policy 10	<p>Add a fifth bullet point to Clause a):</p> <p>“within land at Tess Square (as shown on Map 3).”</p>
PM7	Policy 11	<p>Amend the references to “Map 4” to “Map 6”.</p> <p>Add and label the locations of all the facilities listed in Policy 11 to Map 6.</p>
PM8	Policy 13	Delete Clauses a) and b).