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# **Report on Fontmell Magna Neighbourhood Plan 2017-2031 First Review July 2024**

**An Examination undertaken for Dorset Council with the support of  
Fontmell Magna Parish Council on the July 2024 submission version of  
the Review Neighbourhood Plan.**

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Date of Report: 19 December 2024

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## Main Findings - Executive Summary

I made an initial determination on 23 October 2024 that the modifications contained in the Fontmell Magna Neighbourhood Plan 2017 -2031, First Review July 2024 (the Review Plan) are not so significant or substantial as to change the nature of the extant Neighbourhood Plan which the Review Plan would replace.

From my examination of the Review Plan and its supporting documentation, including the representations made, I have concluded that subject to the Examiner Modifications (**EMs**) set out in this report, the Review Plan meets the Basic Conditions.

I have also concluded that:

- The Review Plan has been prepared and submitted for examination by a qualifying body – Fontmell Magna Parish Council (FMPC);
- The Review Plan has been prepared for an area properly designated – the parish of Fontmell Magna as shown at Map 2 on page 1 of the Review Plan;
- The Review Plan specifies the period to which it is to take effect – 2017-2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

Therefore, I recommend that Dorset Council (DC) should make the Review Plan with the **EMs** specified in this report (there will be no statutory requirement for a referendum).

## 1. Introduction and Context

### Fontmell Magna Neighbourhood Plan 2017-2031, First Review July 2024

- 1.1 Set within undulating rural countryside overlooked by the scarp of Fontmell Down to the east, from which there are outstanding views westwards, located about 8 km south of Shaftesbury along the A350, the designated Neighbourhood Plan Area covers the parish of Fontmell Magna, which includes separate hamlets of Hartgrove and Bedchester, as well as the village of Fontmell Magna. The parish population in 2021 was 680.<sup>1</sup> It is the subject of the Fontmell Magna Neighbourhood Plan which was “made” (approved and adopted) in November 2018 by the then North Dorset District Council (NDDC).
- 1.2 In the following years, the main source of Government planning policy, the National Planning Policy Framework (NPPF) has been updated. The Plan has been reviewed to ensure that it remains up to date and reflects the needs and aspirations of parish residents.

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<sup>1</sup> 2021 Census.

## The Independent Examiner

- 1.3 As the Review Plan has now reached the examination stage, I have been appointed as the examiner of the Fontmell Magna Neighbourhood Plan 2017-2031, First Review July 2024 by DC with the agreement of the FMPC.
- 1.4 I am a chartered town planner and former government Planning Inspector. I am an independent examiner and do not have an interest in any of the land that may be affected by the Review Plan.

## Submitted Documents

- 1.5 I have considered all policy, guidance and other reference documents relevant to the examination, including those submitted which comprise:
- the Fontmell Magna Neighbourhood Plan 2017-2031, First Review 2024, as proposed to be modified (July 2024);
  - the summary of proposals and reasons for the modification as set out in the Plan<sup>2</sup>;
  - the Fontmell Magna Neighbourhood Plan Review Modifications Statement (July 2024);
  - the statement from Dorset Council (DC) on the nature of the proposed modifications (October 2024);
  - a map on page 1 of the Plan area, which identifies the area to which the proposed Neighbourhood Plan relates;
  - a copy of the extant Fontmell Magna Neighbourhood Plan 2017-2031, as made;
  - the Consultation Statement (July 2024);
  - the Basic Conditions Statement (July 2024);
  - all the representations which have been made in accordance with the Regulation 16 consultation;
  - the Strategic Environmental Assessment (SEA) Screening Report (May 2024); and
  - the Habitats Regulations Assessment (HRA) (November 2024); and the responses from FMPC and DC received on 12 November 2024 in answer to my questions of clarification dated 23 October 2024.<sup>3</sup>

## Planning Policy Context

- 1.6 The Development Plan for this part of Dorset Council, not including documents relating to excluded minerals and waste development, includes the North Dorset Local Plan Part 1 (NDLP) adopted in 2016 and the saved policies of the 2003 Local Plan. The Local Plan was produced by the former North Dorset District Council. The NDLP is being replaced by the Dorset

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<sup>2</sup> See paragraph 2.6 below.

<sup>3</sup> View at: <https://www.dorsetcouncil.gov.uk/w/fontmell-magna-neighbourhood-plan>

Council Local Plan (DCLP). The Local Development Scheme for DC suggests an adoption date for the replacement Local Plan of May 2027.<sup>4</sup>

- 1.7 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF).<sup>5</sup> In addition, the Planning Practice Guidance (PPG) offers advice on how the NPPF should be implemented.

## 2. Procedural Considerations

### Initial Determination

- 2.1 As the proposal has been submitted as a modification of the made Neighbourhood Plan, I undertook an initial determination under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). This concerned whether the modifications contained in the Review Plan are so significant or substantial as to change the nature of the Neighbourhood Development Plan which the Review Plan would replace.
- 2.2 If there is no change to the nature of the made Plan, the modification proposal can be examined under the streamlined process set out in Schedule A2 of the 2004 Act (not necessitating a referendum). Otherwise, the examination would proceed under Schedule 4B of the Town and Country Planning Act 1990 (as amended), whereby an examination and referendum would be required.
- 2.3 FMPC and DC are required to publish statements setting out their reasoned views on this matter. For FMPC, the provision is contained in Regulation 15(1)(f) of the Neighbourhood Planning (General) Regulations 2012 (as amended) ("the 2012 Regulations"). For DC, the provision is at Regulation 17(e)(ii).
- 2.4 The views of FMPC were publicised at the Regulation 14 stage<sup>6</sup> (see page 16 of the Consultation Statement and page 2 of the Basic Conditions Statement). This indicates that the modifications made require examination but not a referendum.
- 2.5 To inform the determination, I considered all the relevant submitted documents and representations. In particular:

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<sup>4</sup> <https://www.dorsetcouncil.gov.uk/w/the-local-development-scheme-for-dorset-council-march-2024#key-programme-milestones>

<sup>5</sup> A revised version of the NPPF was published in December 2023. All references in this report read across to the latest December 2023 version. However, the latest iteration of NPPF was published on 12 December 2024. Paragraph 239 includes transitional arrangements for neighbourhood plans, stating that the new NPPF only applies to neighbourhood plans submitted after 12 March 2025.

<sup>6</sup> Regulation 14(a)(v).

- the Consultation Statement, which demonstrates that FMPC alerted respondents to the nature of the changes being made to the Plan through the Review;
- the comment at p.iii of the Foreword to the submission draft Neighbourhood Plan Review (Regulation 15), which explains very briefly the reasons for reviewing the Neighbourhood Plan, along with the more detailed Fontmell Magna Neighbourhood Plan Review Modifications Statement, July 2024<sup>7</sup>;
- the written statement on this matter provided by DC to comply with Regulation 17(e)(ii).

2.6 The draft Plan does not propose any significant changes, the main ones being focused changes to:

- Policy FM2 (Local Wildlife Corridors and Protected Species);
- Policy FM4 (The setting of the Cranborne Chase National Landscape);
- Policy FM5 (Local Landscape Features);
- Policy FM6 (Dark Skies);
- Policy FM8 (Development Layout);
- Policy FM9 (Building design);
- Policy FM10 (Creating safer roads and pedestrian routes);
- Policy FM11 (Sustainable drainage);
- Policy FM12 (Development impacting on the Wastewater Recycling Centre at West View);
- Policy FM13 (Important community facilities);
- Policy FM14 (Social Infrastructure);
- Policy FM16 (Housing Types);
- Policy FM17 (Spatial strategy for new development);
- Policy FM18 (Settlement boundary); and
- Policy FM20 (Land at Blandfords Farm Barn (Site 22)).

These are proposed together with factual updates since the Plan was first drafted and occasional improvements to the clarity of phrasing.

2.7 The Modification Statement (page 3) states that the FMPC “considers that the proposed modifications are not so significant or substantial as to change the nature of the Plan”. Similarly, DC has compared the policies in the made Plan with those of the Review Plan and concluded that the changes constitute material modifications which do not change the nature of the Plan and would require examination but not a referendum.

2.8 Having assessed all the written documents submitted, including the representations and relevant statements, I am content that the modifications proposed in the draft Plan are material but do not change the nature of the made Plan. I set out my determination in my procedural letter of 23 October 2024 to DC and FMPC. Therefore, the examination

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<sup>7</sup> I consider, in essence, FMPC has sought to substantially comply with the requirements of Regulations 14(a)(v) and 15(1)(f).

can proceed under the terms of Schedule A2 to the 2004 Act which I set out below and, as a consequence, should I recommend that the draft Plan be made (with or without Examiner Modifications), a referendum stage will not be a necessary part of the statutory process.

- 2.9 I note that the made Neighbourhood Plan identified a clear succinct vision and four broad objectives broken down into more detail and which supported the policy areas. The vision is unaltered by the Review Plan and the objectives remain. The Review Plan maintains the same organisational structure, albeit some policies have been amended, incorporating new content with necessary updates to the supporting text of the Review Plan to assist in clarifying the approach. The overall nature of the Review Plan including its scope, issues, aims and policy context is similar to the made Plan.

### The Scope of the Examination

- 2.10 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the local planning authority should make the draft plan; or
  - (b) that the local planning authority should make the draft plan with the modifications specified in this report; or
  - (c) that the local planning authority should not make the draft plan.
- 2.11 The scope of the examination is set out in Paragraph 11(1) of Schedule A2 to the 2004 Act. The examiner must consider:
- Whether the draft plan meets the Basic Conditions.
  - Whether the draft plan complies with the provisions made by or under Section 38A and Section 38B of 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.
  - Such matters as prescribed in the 2012 Regulations.

2.12 I have considered only matters that fall within Paragraph 11(1) of Schedule A2 to the 2004 Act, with one exception. That is the requirement that the draft Plan is compatible with the Human Rights Convention.

### The Basic Conditions

2.13 The “Basic Conditions” are set out in Paragraph 11(2) of Schedule A2 to the 2004 Act. In order to meet the Basic Conditions, the draft 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)<sup>8</sup>; and
- meet prescribed conditions and comply with prescribed matters.

2.14 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (the 2017 Regulations).<sup>9</sup>

### Site Visit

2.15 I made an unaccompanied site visit to the Neighbourhood Plan Area on 22 October 2024 to familiarise myself with the Plan area and visit relevant sites and locations referenced in the Review Plan and evidential documents.

### Written Representations with or without Public Hearing

2.16 This examination has been dealt with by written representations. At the Regulation 16 stage, no representors suggested that a hearing would be necessary. Sufficient written evidence has been provided which I have supplemented by my site visit. In all respects, the representations clearly articulate their submissions to the Review Plan. There are no exceptional reasons to justify convening a public hearing.<sup>10</sup>

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<sup>8</sup> The existing body of environmental regulation is retained in UK law.

<sup>9</sup> 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.

<sup>10</sup> See Paragraph 12(2)(a) of Schedule A2.



## Examiner Modifications

- 2.17 Where necessary, I have specified Examiner Modifications (**EMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have included this modification separately in an Appendix.

## 3. Compliance Matters and Human Rights

### Qualifying Body and Neighbourhood Plan Area

- 3.1 The Fontmell Magna Neighbourhood Plan 2017-2031, First Review July 2024, has been prepared and submitted for examination by FMPC, which is a qualifying body for an area that was designated by the former NDDC in June 2016. NDDC was replaced by DC on 1 April 2019 which carried over the statutory designation.
- 3.2 It is the only Neighbourhood Plan for the area and does not relate to land outside the designated Neighbourhood Plan Area.

### Plan Period

- 3.3 The Review Plan clearly specifies the period to which it is to take effect, which is from 2017 to 2031 and is unaltered from the existing made Plan.

### Neighbourhood Plan Preparation and Consultation

- 3.4 Details of the Review Plan preparation, events, activities and consultation are set out in the FMPC Consultation Statement (CS), as submitted to DC.
- 3.5 Regulation 14 consultation took place between 14 February 2024 and 31 March 2024. 55 responses were submitted on the consultation form, mainly from residents. Further comments were received from statutory consultees. The main issues and concerns raised and how they were considered by the FMPC are included as a table on pages 3-15 of the CS.
- 3.6 At the Regulation 16 stage, between 30 August 2024 and 11 October 2024, 8 representations were received, including one from DC, and are provided in the submitted Regulation 16 Consultation Schedule.
- 3.7 I confirm that the legal requirements have been met by the consultation process. In addition, there has been regard to the advice in the PPG on plan preparation and engagement.

### Development and Use of Land

- 3.8 The Review Plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act.

## Excluded Development

- 3.9 The Review Plan does not include provisions and policies for “excluded development”.<sup>11</sup>

## Human Rights

- 3.10 The Basic Conditions Statement (BCS) advises that no issues have been raised in relation to the possible contravention of Human Rights in the preceding consultations and given the conclusions on the Plan’s general conformity with the strategic policies of the Local Plan and regard to national planning policy, it is reasonable to conclude that the making of the Plan should not breach human rights. I have considered this matter independently and I have found no reason to disagree with the statement in the BCS and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

## 4. Assessment of the Basic Conditions

### EU Obligations

- 4.1 The Fontmell Magna Neighbourhood Plan Review was screened for Strategic Environmental Assessment (SEA) by DC, finding that it was unnecessary to undertake a full SEA. Paragraphs 5.0.5 and 5.0.7 of the SEA Screening Report further outline that there should be no requirement for Habitats Regulation Assessment (HRA). The statutory consultees raised no objections (including Natural England’s response of 15 April 2024). Notwithstanding this, DC’s Regulation 16 representation advised that having previously screened the Plan out of requiring HRA, this was reconsidered in the light of a reference to Fontmell Down being latterly added to the second paragraph of Policy FM10 in the draft Plan (prior to submission at Regulation 15). DC’s representation expressed the view that Policy FM10, as revised, had the potential to increase the recreational pressure on the Fontmell and Melbury Downs SAC and that, in turn, had the potential to harm its reasons for designation.
- 4.2 In my view, this matter should have been addressed prior to the Regulation 16 consultation, which would have provided a window for the necessary appropriate assessment to be subsequently made available to those with an interest in the Plan as part of the post submission consultation exercise. An HRA report was produced by DC during the examination, stating that providing mitigation is provided and FM10 amended, then it can be concluded that the Fontmell Magna Neighbourhood Plan Review does not result in an adverse effect upon the integrity of a European site.<sup>12</sup> At the time of writing this examination

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<sup>11</sup> The meaning of ‘excluded development’ is set out in s.61K of the 1990 Act.

<sup>12</sup> <https://www.dorsetcouncil.gov.uk/w/fontmell-magna-neighbourhood-plan>

report, a response from NE to the HRA report has not been made public, if indeed one was received.<sup>13</sup> Taking all these considerations into account, and also the conclusions in paragraph 6.1.7 of the HRA, I consider the phrase “and links onto Fontmell Down” should be deleted from Policy FM10 (see paragraph 4.13 below and **EM5**), thereby reverting to the policy phrasing substantively assessed by the SEA Screening Report (May 2024). With this modification, I am satisfied that the Fontmell Magna Neighbourhood Plan Review is compatible with EU obligations.

## Main Issues

- 4.3 Having considered whether the Review 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 Review Plan against the Basic Conditions by considering specific issues of compliance of all the Plan’s policies.
- 4.4 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.<sup>14</sup>
- 4.5 Accordingly, having regard to the Fontmell Magna Neighbourhood Plan Review, the consultation responses, other evidence and the site visit, I consider that the main issues in this examination are whether the draft Plan’s 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. I shall consider firstly the modified policies and, secondly, the unchanged policies to ensure they remain compliant.

Policy Modifications (Policies FM2, FM4, FM5, FM6, FM7, FM8, FM9, FM10, FM11, FM12, FM13, FM14, FM16, FM17, FM18 & FM20)

- 4.6 **Policy FM2** seeks to protect and enhance local biodiversity. Focused additions are proposed to the policy to reflect the latest available guidance on biodiversity net gain and mitigation. The policy continues to have regard to national guidance<sup>15</sup>, to generally conform with Policy 4 of the NDLP and to meet the Basic Conditions. A suggestion to fine tune the policy was made by DC to which FMPC made a counter suggestion but, in

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<sup>13</sup> As at 18 December 2024: <https://www.dorsetcouncil.gov.uk/w/fontmell-magna-neighbourhood-plan>

<sup>14</sup> PPG Reference ID: 41-041-20140306.

<sup>15</sup> NPPF: paragraphs 180 & 185.

my opinion, the policy meets the Basic Conditions and so there is no requirement to change it beyond how it is currently drafted in the Plan Review.

- 4.7 **Policy FM4** aims to protect the setting of the Cranborne Chase National Landscape (CCNL). A focussed change has corrected the title and reference within the policy from AONB to CCNL. The policies continue to have regard to national guidance<sup>16</sup>, to generally conform with Policy 4 of the NDLP and to meet the Basic Conditions.
- 4.8 An alteration from “footpaths at the roadside” to “footways” in the wording of **Policy FM5** is a focused clarification and I consider that the policy would continue to have regard to national guidance<sup>17</sup>, generally conform with Policy 4 of the NDLP and to meet the Basic Conditions.
- 4.9 **Policy FM6** aims to conserve and enhance the intrinsic quality of dark skies. Focussed changes add to the details of the policy to refer to the Cranborne Chase National Landscape International Dark Sky Reserve and to ensure that any light spillage is directed downwards. A further proposed addition to the policy is a 2700K lux limit for the correlated colour temperature maximum. DC commented and FMPC subsequently agreed that “lux” was a superfluous word and with the exclusion, I shall agree the additions are a focussed modification. **(EM1)** The policy would continue to have regard to national guidance<sup>18</sup>, would generally conform with Policy 4 of the NDLP and would meet the Basic Conditions.
- 4.10 An ambiguous inclusion of “(q.v)” should be deleted from **Policy FM7** which considers development affecting The Conservation Area and Locally Important Features. The policy would continue to have regard to national guidance<sup>19</sup>, would generally conform with Policy 5 of the NDLP and would meet the Basic Conditions. **(EM2)**
- 4.11 **Policy FM8** considers the layout of development and a sentence has been added to the policy in the made Plan about the southerly orientation of roof slopes in order to maximise opportunities for solar energy through photovoltaics. I agree with the suggestion made by DC to ensure there is sufficient clarity through the addition which has the support of FMPC. **(EM3)** The policy would continue to have regard to national guidance<sup>20</sup>, would generally conform with Policies 3 and 7 of the NDLP and would meet the Basic Conditions.
- 4.12 **Policy FM9** considers building design with focussed additions to the made policy to include references to energy efficient measures on buildings and electric charging points. Similar to the above, DC made suggestions to ensure clarity which have the qualified support of FMPC. I shall substitute

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<sup>16</sup> NPPF: paragraphs 182 & 183.

<sup>17</sup> NPPF: paragraphs 180.

<sup>18</sup> NPPF: paragraph 191.

<sup>19</sup> NPPF: paragraphs 205 & 209.

<sup>20</sup> NPPF: paragraphs 131, 135 & 158.

“reasoned justification” for “preamble” which would reduce ambiguity. **(EM4)**. The policy would continue to have regard to national guidance<sup>21</sup>, would generally conform with Policies 3 and 7 of the NDLP and would meet the Basic Conditions.

- 4.13 **Policy FM10** aims to create safer roads and pedestrian routes. Details about the shared spaces of West Street and Mill Street have been added to the made policy as well as improving or creating new links to places, including Fontmell Down. DC noted that Fontmell Down is a Special Area of Conservation (SAC) and suggested qualifying this element of the policy by making it the subject of HRA and no subsequent adverse effect on the SAC. However, for the reasons set out in paragraph 4.2 above, I shall delete the reference to Fontmell Down (**EM5**) in the second paragraph of the policy to ensure compliance with the 2017 Regulations (and therefore ensuring EU obligations are met as retained in UK law). In all other respects, the modified policy would have regard to national guidance<sup>22</sup>, would generally conform with Policy 13 of the NDLP and would meet the Basic Conditions.
- 4.14 **Policy FM11** considers sustainable drainage. Additional details have been added to the made policy in relation to infiltration measures. I consider that the policy would continue to have regard to national guidance<sup>23</sup>, would generally conform with Policy 13 of the NDLP and would meet the Basic Conditions.
- 4.15 **Policy FM12** deals with development impacting on the Wastewater Recycling Centre at West View with clarifying details added to the made policy. I consider that the policy would continue to have regard to national guidance<sup>24</sup>, would generally conform with Policy 13 of the NDLP and would meet the Basic Conditions.
- 4.16 The closure of the Fontmell Surgery and Clinic is noted in **Policy FM13** which aims to retain important community facilities. I consider that the policy would continue to have regard to national guidance<sup>25</sup>, would generally conform with Policy 14 of the NDLP and would meet the Basic Conditions.
- 4.17 **Policy FM14** considers social infrastructure and adds detail about upgrades to footpaths to ensure all-year-round access. DC queried the shared footpath and cycle path to Village Hall from Gundels. Although this was included in the made Plan, FMPC suggested clarifying the particular bullet point with a suggestion which I shall adopt as **EM6**. I consider that the policy would continue to have regard to national guidance<sup>26</sup>, would

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<sup>21</sup> NPPF: paragraphs 131, 135 & 158.

<sup>22</sup> NPPF: paragraphs 108 & 110.

<sup>23</sup> NPPF: paragraphs 173 & 191.

<sup>24</sup> NPPF: paragraph 191.

<sup>25</sup> NPPF: paragraph 97.

<sup>26</sup> NPPF: paragraphs 97 & 104.

generally conform with Policies 14 and 15 of the NDLP and would meet the Basic Conditions.

- 4.18 **Policy FM16** considers housing types, including affordable housing. The policy has been updated to recognise Dorset Local Housing Needs Assessment (November 2021) and the latest Census data. DC commented that the policy should refer now to “the rest of Dorset” rather than “the rest of North Dorset”, that some of the addition to the policy should be in the supporting justification and that the evidence of need should be “local need”. FMPC supported the comments by DC, also suggesting incorporating an amendment to the final sentence, with which I agree. **(EM7)** I consider that the policy would continue to have regard to national guidance<sup>27</sup>, would generally conform with Policies 2 & 7 of the NDLP and would meet the Basic Conditions.
- 4.19 **Policy FM17** deals with the spatial strategy for new development and which has been amended to clarify exceptions to house building outside the settlement boundary. DC has suggested some focussed alterations to ensure there is clarity in the policy, with which FMPC agree. I shall modify the policy accordingly **(EM8)** which would continue to have regard to national guidance<sup>28</sup>, would generally conform with Policies 2, 6, and 20 of the NDLP and would meet the Basic Conditions.
- 4.20 **Policy FM18** delineates the settlement boundary on Map 11 and also now sets out more clearly the policy for development on land outside it, which will be defined as countryside. I consider that the policy would continue to have regard to national guidance<sup>29</sup>, would generally conform with Policies 2, 6 and 20 of the NDLP and would meet the Basic Conditions.
- 4.21 **Policy FM20** considers Land at Blandford Farm Barn (Site 22) which is allocated for employment/community facilities and housing. I have been informed by DC that outline planning permission was granted for nine dwellings on the site on 3 October 2024. FMPC agreed with DC that the phasing element of the policy is unnecessary and also accepted that the fifth paragraph dealing with the tree belt along the southern boundary and the landscaping scheme could be rephrased. I do not object to the cross referencing of policies here, either in relation to the wildlife corridors nor the pedestrian routes mentioned later in the policy.
- 4.22 I am content with the continued use of the term “best endeavours”, but I note that this fifth paragraph of the policy considers access from the A350, when the recently granted planning permission allows access from West Street. However, given that both DC and FMPC were aware of the planning permission when making their submissions in response to my questions and have not commented that the paragraph is superfluous, I shall not delete it. Therefore, I shall make amendments to Policy FM20 in

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<sup>27</sup> NPPF: paragraphs 60, 63, 65, 82 & 83.

<sup>28</sup> NPPF: paragraphs 60 & 83.

<sup>29</sup> NPPF: paragraphs 60 & 83.

accordance with the conclusions above (**EM9**) and I consider that it would continue to have regard to national guidance<sup>30</sup>, would generally conform with Policies 2, 6 and 11 of the NDLP and would meet the Basic Conditions.

#### Unchanged Policies (Policies FM1, FM3 & FM15)

4.23 Aside from the nine policies proposed to be modified and seven policies which have focused alterations which I have not modified (but see paragraph 4.25 below), three other policies in the made Plan remain unchanged and each has regard to national guidance, generally conforms with the strategic policies of the NDLP, would contribute to the achievement of sustainable development and meet the Basic Conditions.

4.24 The following table sets out the details of how these three policies have regard to national guidance and with which policy or policies in the NDLP they generally conform, to enable the Basic Conditions to be met.

Policy	Subject	National guidance (NPPF paragraph number)	NDLP Policy
FM1	Local Green Spaces	105 – 107	Policy 15
FM3	Important Views	180 & 182	Policy 4
FM15	Facilitating home working	86 d)	Policies 7 & 11

#### Policy FM19 and AONB

4.25 The made Plan included Policy FM19 which considered Land South of Home Farm (Site 20) which was allocated for housing and the provision of a public car parking area. The site development has been completed and the Plan Review now omits the policy. DC commented that there may be merit in the policy remaining in the Plan for reference purposes. However, subject to the EMs above, the Plan Review meets the Basic Conditions and therefore there is no sound reason to reinstate the policy.

4.26 In addition, as noted in paragraph 4.6 above, the term Area of Outstanding Natural Beauty (AONB) was changed to National Landscape (NL) in November 2023. I have already modified policy FM4 but, as indicated by FMPC, there are other occasions where reference is made to "AONB". Therefore, as **EM10**, I shall modify the Plan to replace "AONB" with "CCNL" in Policy FM3, the caption to Photograph 8 and Table 4 Site 22; and replace "West Wiltshire Downs and Cranborne Chase AONB" with "Cranborne Chase National Landscape" in Appendix 4 Objective 3(a).

<sup>30</sup> NPPF: paragraphs 60, 82 & 88.

## Alterations to the Text

- 4.27 A consequence of the acceptance of the recommended modifications would be that amendments might have to be made to the explanation within the Plan in order to make it logical. Other amendments might also include minor contextual updates (for example, paragraphs 2.26/2.27 of the Review Plan), correcting minor inaccuracies, cross referencing and any renumbering of paragraphs and policies. 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.<sup>31</sup>

## All Other Matters

- 4.28 In this examination, I have focussed on differences in the policies between the made Neighbourhood Plan and the Review Plan. Nevertheless, I have considered afresh the whole of the draft Plan. I have reviewed each policy in terms of its consistency with national policy and guidance and general conformity with the strategic policies in the Development Plan. Other than the issues that are discussed above, I am satisfied that there are no other matters which affect the Basic Conditions.

## 5. Conclusions

### Summary

- 5.1 The Fontmell Magna Neighbourhood Plan 2017-2031 First Review 2024 has been duly prepared in compliance with the procedural requirements. My examination has assessed whether the Review Plan meets the Basic Conditions and other legal requirements. I have had regard for all the responses made following consultation on the Review Plan and the evidence documents submitted with it.
- 5.2 I have set out modifications to Policies FM6, FM7, FM8, FM9, FM10, FM14, FM16, FM17 and FM20 to ensure the Review Plan meets the Basic Conditions and other legal requirements.

### Examiner Recommendation

- 5.3 I recommend that DC should make the Review Plan with the modifications specified in the Appendix to this report.

### Overview

- 5.4 Inevitably, considerable time and effort has been devoted to the development and production of this very well written and illustrated Review Plan and I congratulate those who have been involved. I enjoyed

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<sup>31</sup> PPG Reference ID: 41-106-20190509.



examining it, visiting the village and surrounding countryside and appreciated the comprehensive documentation which was submitted from both Councils, especially the constructive comments made in response to my questions. The Review Plan should continue to prove to be a useful tool for future planning and change within Fontmell Magna over the coming years.

*Andy Mead*

Examiner

## Appendix: Examiner Modifications

<b>Examiner Modification number (EM)</b>	<b>Policy/other reference</b>	<b>Modification</b>
EM1	Policy FM6	Delete: "lux".
EM2	Policy FM7	Delete: "(q.v.)".
EM3	Policy FM8	Amend the third sentence to:  <b>"The orientation of buildings should ideally provide roof slopes within 30 degrees of south in order to maximise opportunities for solar energy through roof-mounted photovoltaics."</b>
EM4	Policy FM9	Delete: "preamble" and substitute <b>"reasoned justification"</b> .  Amend the second paragraph to:  <b>"Energy efficient measures that are designed to be in keeping with the character of the area, such as frameless in-roof solar panels or air source heat pumps are encouraged. Water recovery systems should be encouraged for toilets, washing machines and gardening/outside taps."</b>
EM5	Policy FM10	In the second paragraph, insert <b>"and"</b> before "the public amenity woodland" and delete "and links onto Fontmell Down".
EM6	Policy FM14	Amend the penultimate bullet point to:  <b>"All-weather footpath between Village Hall and footpath N63/6 with connection to the Fontmell Under Fives Pre-School and on to N63/7 which links to the School;"</b>  Update Map 8 as shown on the map accompanying the submission from FMPC on 12 November 2024 by

		additional PRow numbering and the pre-school link.
EM7	Policy FM16	<p>Delete "North" from the final sentence of the first paragraph.</p> <p>Amend the final sentence of the second paragraph to:</p> <p><b>"Any new applications to build 4+ bedroom properties should be justified by evidence to support the local need for their construction."</b></p> <p>Add to the end of paragraph 8.11:</p> <p><b>"As the percentage of 4+ bedroom properties has grown significantly over the past decade and is already well above the figure for Dorset and the projected local need, there is no tangible benefit to building more large homes unless a clear local need can be evidenced."</b></p>
EM8	Policy FM17	<p>Delete "This ..." from the first phrase of the policy and substitute <b>"The ..."</b>.</p> <p>Amend the final phrase of the policy to:</p> <p><b>"or through the re-use of existing buildings where their existing use is no longer required, in line with national and local plan policy."</b></p>
EM9	Policy FM20	<p>Delete from the second paragraph: "and the release of sites should be phased based on evidence of local need."</p> <p>Amend the fourth paragraph by creating two separate sentences with the second sentence becoming:</p> <p><b>"A landscape scheme should be agreed that reinforces the site's screening and enclosure as viewed from public rights of way."</b></p> <p>Amend the first sentence of the fifth paragraph to:</p>

		<b>“The hedgerows are potentially important as wildlife corridors and should be safeguarded and if possible enhanced in line with Policy FM2 Local Wildlife Corridors and Protected Species.”</b>
EM10	AONB references	<p>Replace “AONB” with <b>“CCNL”</b> in Policy FM3, the caption to Photograph 8 and Table 4 Site 22.</p> <p>Replace “West Wiltshire Downs and Cranborne Chase AONB” with <b>“Cranborne Chase National Landscape”</b> in Appendix 4 Objective 3(a).</p>