

INDEPENDENT EXAMINATION OF THE FONTMELL MAGNA NEIGHBOURHOOD PLAN REVIEW

EXAMINER: Andrew Mead BSc (Hons) MRTPI MIQ

Katie Cooper
Clerk to Fontmell Magna Parish Council

Philip Reese
Senior Planning Policy Officer
Dorset Council

Examination Ref: 01/AM/FMR

23 October 2024

Via email

Dear Ms Cooper and Mr Reese

Following the submission for examination of the Fontmell Magna Neighbourhood Plan Review (the Plan), I would like to clarify several initial procedural matters. I also have a number of questions for Fontmell Magna Parish Council (FMPC/the Parish Council). These are attached as an Annex to this letter. It would be helpful to receive written responses by **Friday 8 November 2024**.

1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the review of the Plan, including the draft Plan (as proposed to be reviewed); the Basic Conditions and Consultation Statements; the Regulation 16 representations; and the statements from both FMPC and Dorset Council in relation to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace, giving reasons why.

This has provided sufficient information to undertake my initial determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).

Subject to my further detailed assessment of the draft Plan, I have not at this initial stage identified any significant and obvious flaws that might lead me to advise that the examination should not proceed.

2. Determination under Paragraph 10(1) of Schedule A2

I am required determine to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace. The purpose of this determination is to establish the appropriate examination process for the draft Plan which will, amongst other things, affect whether or not the draft Plan will need to be the subject of a referendum if it is to be made.

The Fontmell Magna Parish Council state in their Modifications Statement that the main changes are to Policy FM2 (Local Wildlife Corridors and Protected Species); Policy FM4 (The setting of the AONB); 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 FM 12 (Development impacting on the sewage treatment works); Policy FM13 (Important community facilities); Policy FM14 (Social Infrastructure); Policy FM16 (Housing Types); Policy FM17 (Spatial strategy for new development); Policy FM18 (Settlement

boundary); Policy FM19 (Land South of Home Farm (Site 20)); and Policy FM20 (Land at Blandfords Farm Barn (Site 22)), together with factual updates since the Plan was first drafted and occasional improvements to the clarity of phrasing. 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”.

Dorset Council has compared the policies in the made Plan with those of the submitted review 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.

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.

Therefore, the examination can proceed under the terms of Schedule A2 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.

3. Site Visit

I intend to visit the neighbourhood plan area this next week, which will assist in my assessment of the draft Plan, including the issues identified in the representations.

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

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

4. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should I consider there are exceptional reasons for doing so.

5. Further Clarification

I have a number of questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide written responses by **Friday 8 November 2024**.

6. Examination Timetable

As you will be aware, the intention is to examine the draft Plan (including conduct of the site visit) with a view to providing a draft report (for ‘fact checking’) within around 6 weeks of submission of the draft Plan.

As I have raised a number of questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable may be extended. Please be assured that I will endeavour to mitigate any delay, as far as is practicable, should it arise. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

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

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

Thank you in advance for your assistance.

Your sincerely

Andy Mead

Examiner

Appendix

From my initial reading of the Fontmell Magna Neighbourhood Plan Review and the supporting evidence, I have the following six questions for Fontmell Parish Council (FMPC). I have requested the submission of responses by **Friday 8 November 2024**, although earlier responses would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Questions for Fontmell Magna Parish Council

1. Please could the date of the submission of the Neighbourhood Plan Review to Dorset Council be confirmed? The Consultation Statement refers to August 2024.
2. Please could the dates of the Regulation 16 Consultation be confirmed?
3. The Plan consistently refers to the Cranborne Chase National Landscape. Is that the correct title? Or should the title be the Cranborne Chase and West Wiltshire Downs National Landscape?
4. Dorset Council (DC) submitted comprehensive comments about the Plan in the Regulation 16 representation. There are many suggestions for revisions to the Plan's text to ensure clarity by adjusting the phrasing or seeking additional clarification of Policies FM2, FM6, FM7, FM8, FM9, FM14, FM16 and FM17. I would be pleased to have the comments of FMPC on the suggested modifications to the policies.
5. Policy FM10. In view of a reconsideration of the Habitats Regulations Assessment by DC and the conclusion that there would be a likely significant (adverse?) effect on the nearby Special Area of Conservation (SAC), the Council suggests one of two solutions (1) and (2). I am minded to accept option 2 and the policy addition which is to insert after "Fontmell Down" "... subject to a Habitats Regulations Assessment concluding that the proposal would not result in additional recreational pressure on the Fontmell and Melbury Downs SAC that would result in an adverse effect upon the integrity of the European Site." Does FMPC have any comments?
6. Policy FM20. DC suggests the deletion of part of the second paragraph of the policy dealing with phasing. I note that this sentence is within Policy FM20 of the made Plan and has been carried forward into the Review. However, I question the practicality of implementing the phasing of developing a small site of no more than 10 dwellings based on local need. I also wonder whether it is environmentally desirable to have a small trickle of houses being built, rather than completing the landscaping, road surfaces and footpaths and residential gardens with minimal longer term disruption. I would be grateful for the comments of FMPC on the suggested deletion and any other points made by DC in respect of this policy.