

# Decision Statement

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**On behalf of Dorset Council, 03 January 2020**

Dorset Council is satisfied that the Upper Marshwood Vale Neighbourhood Plan as modified meets the basic conditions, is compatible with the Convention rights, and complies with the definition of a neighbourhood development plan.

**A referendum will therefore be held on 13<sup>th</sup> February 2020.**

## Background

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Upper Marshwood Vale Neighbourhood Plan group applied to designate the four parishes of Marshwood, Bettiscombe, Pilsdon and Stoke Abbott as one neighbourhood plan area. The area designation was approved by the, then West Dorset District Council in August 2015.

In July 2019 Upper Marshwood Vale submitted the draft neighbourhood plan and supporting material to Dorset Council. Dorset Council was satisfied that the documents submitted met the requirements of Regulation 15 of the 'Regulations'. Upper Marshwood were notified of the Council's conclusion and informed that the plan could proceed to examination. The submitted documents were made available for consultation for 8 weeks due to part of the consultation period falling over the summer holidays. This meant the consultation was held from 19 August 2019 until 14 October 2019.

An independent examiner Mr Andrew Mead was appointed. The examiner's report was received on 12 December 2019.

In summary, the examiner's report concluded that the Upper Marshwood Vale Neighbourhood Plan would meet the Basic Conditions and other legal requirements, subject to the modifications as set out in **Appendix A** of this decision statement.

The neighbourhood plan has been amended to include the modifications recommended by the examiner and minor formatting amendments.

Dorset Council considered each of the recommendations and modifications contained in the examiner's report and agreed the amendments in an Executive Decision Statement dated; 20 December 2019. In considering the conclusions of the independent examiner, the Council agreed that the legal requirements and basic conditions had been met.

The council is therefore satisfied that the plan as amended...

- (i) meets the basic conditions (as set out in Schedule 4B to the Town & Country planning Act 1990); and
- (ii) is compatible with the Convention rights (within the meaning of the Human Rights act 1998); and

- (iii) complies with the provision concerning Neighbourhood Development Plans made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004, and...can now proceed to a referendum.

## The area covered by the Upper Marshwood Vale Neighbourhood Plan

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The neighbourhood plan area covers the four parishes Marshwood, Bettiscombe, Pilsdon and Stoke Abbott which make up the area of the Upper Marshwood Vale. The area covered by the neighbourhood plan is as marked on the policies map on page 19 of the Referendum draft of the Upper Marshwood Vale Neighbourhood Plan.

## Details of the Neighbourhood Plan Referendum

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The independent examiner considered that it was appropriate for the referendum to be held over the neighbourhood area.

The referendum will therefore be held over the neighbourhood area as marked on the policies map on page 19 of the Referendum draft of the Upper Marshwood Vale Neighbourhood Plan.

The referendum for the Upper Marshwood Vale Neighbourhood Plan will be held on 13th February 2020.

## Where to find more information...

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Copies of this decision statement, the Examiner's Report and the Upper Marshwood Vale Neighbourhood Plan (as proposed) can be viewed online at

<https://www.dorsetcouncil.gov.uk/upper-marshwood-vale-neighbourhood-plan>

or at Council Offices:

- **Dorset Council offices**, South Walks House, South Walks Road, Dorchester DT1 1UZ which is open 8.30am to 5.00pm Monday to Thursday and 8.30am to 4.30pm on Fridays.
- **Beaminster Town Council**, Council Offices, 8 Fleet St, Beaminster DT8 3EF

Copies of the following documents will be available.

*A copy of this statement is automatically sent to the Parish Council who submitted the plan and anyone who has asked to be notified of this decision.*

## Appendix A: Modifications / Recommendations from Examiner’s report

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### Appendix: Modifications

Below are the recommendations and modifications taken from the Examiner’s report.

| Proposed modification number (PM) | Page no./ other reference | Modification   |
|-----------------------------------|---------------------------|--|
| PM1                               | Policy UMV1               | Delete the second sentence: “The local community ... important community facility”.<br>Substitute: <b>“Every effort should be made to work with the local community to investigate potential solutions to avoid any unnecessary loss of these valued facilities and services.”</b>   |
| PM2                               | Policy Maps               | Add the names of the facilities referred to in Policy UMV1 to the policy maps in a clearly readable font.  |
| PM3                               | Policy UMV1               | Compile a map showing the three public open spaces defined in the policy, labelled and at an appropriate scale.  |
| PM4                               | Policy UMV3               | Amend the third sentence to: <b>“A Biodiversity Appraisal, Mitigation and Enhancement Plan must be submitted...”</b> .   |
| PM5                               | Paragraph 2.7             | Final sentence: delete “treated with similar respect”; substitute <b>“treated with the care appropriate to landscape of such high quality”</b> .   |
| PM6                               | Page 10                   | Add as an informative box, alongside Policy UMV5: <b>“A primary residence is defined as one occupied as the residents’ sole or main residence, where the residents spend the majority of their time when not working away from home. A condition or obligation on new homes will require that they are occupied only as the primary residence of those persons entitled to occupy them. Occupiers of homes with a primary residence condition or obligation will be advised to keep proof that they are satisfying the requirements of the policy. Proof of primary residence is via verifiable evidence which could include, for example (but not limited to) residents being registered on the local electoral register and being registered for and attending local services (such as healthcare, schools etc)”</b> . |