

# Adoption Decision Statement

## Ware Neighbourhood Plan

### Decision

Following an Independent Examination and a positive referendum result, East Herts District Council decided on 13 December 2023, in accordance with section 38A (4) of the Planning and Compulsory Purchase Act 2004, to 'make' the Ware Neighbourhood Plan.

### Reasons

With the Examiner's recommended modifications, the Ware Neighbourhood Development Plan meets the basic conditions and is compliant with legal and procedural requirements. Paragraph 38A (4) (a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan if more than half of those voting in the referendum upon the plan have voted in favour of the plan being used to inform planning applications in the area.

The Referendum took place on 28<sup>th</sup> September 2023 and the Ware Neighbourhood Area residents voted on the following question: "Do you want East Herts District Council to use the Neighbourhood Plan for Ware Neighbourhood Area to help it decide planning applications in the neighbourhood area?" There was a 16.6% turnout at the referendum, with an overall 'yes' vote of 2,221 (90.8%), against 225 (9.2%) who voted 'no'.

East Herts District Council has assessed that the Plan, including its preparation, does not breach, and would not otherwise be incompatible, with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

Therefore, the Ware Neighbourhood Plan now forms part of the development plan. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), the determination of planning applications will need to be made in accordance with the development plan, unless material considerations indicate otherwise.

### Background

Ware Town Council submitted a request for the designation of Ware Neighbourhood Area in May 2018 which was subsequently agreed on 11 September 2018.

The Town Council submitted the draft Neighbourhood Plan to East Herts Council in October 2022. Following this, a six-week consultation took place between December 2022 and January 2023. The Neighbourhood Plan was then assessed by an Independent Examiner between April and June 2023. The examiner recommended that the plan proceed, subject to recommended modifications, to referendum. On 14 August 2023, the Council made the decision, via the non-key decision process to proceed to a referendum.

This decision statement and the Ware Neighbourhood Plan can be viewed online at [www.eastherts.gov.uk/warenp](http://www.eastherts.gov.uk/warenp). Please contact the planning policy team 01279 655261 if you would like to view a paper copy.