

East Herts Council Report

Executive

Date of meeting:	Tuesday 28 November 2023
Report by:	Councillor Vicky Glover-Ward– Executive Member for Planning and Growth
Report title:	Ware Neighbourhood Plan- Adoption
Ward(s) affected:	Ware Priory; Ware St. Mary's; Ware Trinity;

Summary – A referendum on Ware Neighbourhood Plan took place on the 28 September 2023. A majority voted in favour of the Neighbourhood Plan and as such the Council now has the opportunity to formally make (adopt) the Ware Neighbourhood Plan in accordance with the Planning and Compulsory Purchase Act 2004.

RECOMMENDATIONS FOR Executive to recommend to Council that:

- a) The Ware Neighbourhood Area Plan 2021-2033, as detailed at Appendix A to this report, be formally made (adopted).**

1.0 Proposal(s)

- 1.1 Following the successful referendum on 28 September 2023, the Council are now able to make (adopt) the Ware Neighbourhood Plan.

1.2 The Ware Neighbourhood Plan became part of the statutory development plan for the district once it was approved at referendum and will be used by development management in the determination of planning applications submitted in the neighbourhood area. Unless a neighbourhood plan breaches human rights or EU obligations, the local planning authority is required to formally make the neighbourhood plan.

2.0 Background

2.1 Neighbourhood Planning was introduced by the Government under the Localism Act in 2011. Neighbourhood planning provides an opportunity for local communities to produce a planning document that shapes and influences future development within their local area.

2.2 The Town and Country Planning England Neighbourhood Planning (General) Regulations 2012 (as amended) came into force on the 6 April 2012 and prescribe both the process, and role of the local planning authority in supporting neighbourhood planning. In East Herts, parish or town councils are qualifying bodies able to produce a Neighbourhood Plan.

2.3 Ware Town Council applied for designation as a Neighbourhood Area in May 2018; the Neighbourhood Area was then designated on 11 September 2018. The designated area excludes the land included in District Plan Policy WARE2 North and East Ware Site Allocation, because this is the focus of a separate masterplan.

2.4 The Neighbourhood Plan Group carried out early community engagement in 2019 and 2020 and undertook a Pre-Submission Consultation between the 19 April and the 24 June 2022 under Regulation 14 of the 2012 Regulations. The Neighbourhood

Plan was then submitted to East Herts Council on the 31 October 2022 and a six-week consultation on the submission plan was undertaken from the 1 December 2022 to the 26 January 2023 under Regulation 16.

2.5 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The Ware Neighbourhood Plan is complementary to the existing development plan and addresses a range of topics. It seeks to provide opportunities for new development within a context in which the neighbourhood area can maintain its historic character and appearance. The Plan's vision has been translated into a set of objectives and policies, with particular focus on the following areas:

- Promotion of high quality design and protection of heritage assets and local character;
- Enhancing green and blue infrastructure and the natural environment, including the designation of new local green spaces;
- Supporting a vibrant economy;
- Retaining and enhancing the vitality of the town centre;
- Improving access to services and facilities;
- Ensuring connectivity through improvements to sustainable transport routes.

2.6 The Neighbourhood Plan does not allocate any sites for development. Whilst the District Plan allocation WARE2 is referenced in the supporting text, given its implications and significance for the town, it is not specifically addressed by this

Neighbourhood Plan because it is located outside of the neighbourhood area.

- 2.7 The Neighbourhood Plan was assessed by an Independent Examiner between April and July 2023. The Examiner commended the Neighbourhood Plan for being informative and well-presented. He concluded that it would bring forward positive and sustainable development in the neighbourhood area and recommended that the plan proceed, subject to recommended modifications, to referendum. On 14th August 2023, the Council made the decision, via the non-key decision process, to proceed to a referendum.

3.0 Reason(s)

- 3.1 The Referendum took place on Thursday 28 September 2023 with a 16.6% turnout. There was an overall 'yes' vote of 2,221 votes (90.8%), against 225 (9.2%) who voted 'no'. As outlined within Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004, (as amended by the Neighbourhood Planning Act 2017) the Council is able to make the Neighbourhood Plan if more than half of those voting in the referendum have voted in favour of the plan being used to help decide planning applications in the area. The residents within the Ware Neighbourhood Area voted on the following question:

"Do you want East Hertfordshire District Council to use the Neighbourhood Plan for Ware Neighbourhood Area to help it decide planning applications in the neighbourhood area?"

- 3.2 With an overall successful 'yes' vote, the Council are now able to formally 'make' (adopt) the Neighbourhood Plan as part of the East Herts Development Plan.

Adoption

- 3.3 Following a successful referendum, the Ware Neighbourhood Plan already forms part of the development plan. As such any planning applications within the Neighbourhood Area will be assessed using the plan alongside the East Herts District Plan (2018), the mineral and waste plans and all other material considerations.
- 3.4 There are narrow circumstances where the local planning authority is not required to make the neighbourhood plan. These are where it considers that the making of the neighbourhood plan would breach, or otherwise be incompatible with, any EU or human rights obligations (see section 61E(8) of the Town and Country Planning Act 1990 Act as amended). The Ware Neighbourhood Plan does not breach the aforementioned obligations.
- 3.5 It is considered that the Ware Neighbourhood Plan positively contributes to the East Herts Development Management process providing a strong community vision that seeks to contribute to sustainable development and as such the Neighbourhood Plan can proceed to be formally made.
- 3.6 The final version of the Ware Neighbourhood Plan can be found in Appendix A.

4.0 Options

- 4.1 The Council is permitted, in narrow circumstances only, to not make a neighbourhood plan, when it is in breach or incompatible with any EU or human rights obligations (see section 61E (8) of the Town and Country Planning Act 1990 as Amended). However, the Ware Neighbourhood Plan does not breach these obligations.

5.0 Risks

5.1 If the Neighbourhood Plan does not proceed to be formally made, then the Council would not be fulfilling its duties as Local Planning Authority and there is the risk of legal challenge.

6.0 Implications/Consultations

6.1 The Neighbourhood Plan has been subject to multiple rounds of public consultation and a referendum.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

Yes. The Ware Neighbourhood Plan has been screened to determine whether a Strategic Environmental Assessment and/or a Habitats Regulations Assessment is required, the report concluded that the Plan is not likely to have any significant environmental effects and as such neither were required. The Plan also contains policies that aim to protect the environment.

Financial

Yes. It is the responsibility of the Local Planning Authority (LPA) to cover examination and referendum costs. Government grants are available when a Plan has a formal referendum date.

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

Ware St Marys, Ware Priory part of Ware Trinity. The neighbourhood area was designated in 2018, in accordance with Ware Town Council boundaries. These boundaries are due to be reviewed as part of the Community Governance Review agreed by Council on 26 July 2023, to take account of development of District Plan site WARE2, to the north and east of the town. The Neighbourhood Plan Area Designation will however remain in place until such time that a further review or update of the Neighbourhood Plan/s is undertaken.

7.0 Background papers, appendices and other relevant material

7.1 Appendix A: Ware Neighbourhood Plan 2021-2033

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