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Chairman: Mr Parick Murphy. E. elsteadpc.pat.murphy@gmail.com

The Rt Hon Jeremy Hunt MP
2 Royal Parade
Tilford Road
Hindhead
Surrey
GU26 6TD

24th February 2023

Re: Elstead & Weyburn Neighbourhood Plan

Dear Mr Hunt,

I am writing to seek your assistance on the completion of the Elstead and Weyburn Neighbourhood Plan (NHP), which has been held up for the past 15 months or so owing to a dispute on a procedural issue between the appointed Examiner and Waverley Borough Council.

Work on the NHP started in 2014 following agreement between Elstead Parish Council and Peper Harow Parish Meeting on the designation of the NHP area. The proposed area included that part of Peper Harow Parish occupied by the former Weyburn Works site which is closely associated with the village of Elstead. It was formally designated as a NHP area by Waverley Borough Council (WBC) later that year. The NHP has subsequently been developed by a dedicated team of volunteers from both parishes, who have collectively spent several hundred hours of their own time carrying out the consultations and deliberations required to produce a sound and acceptable plan. These have included three public consultations, two large surveys of opinion, the retention of consultants to carry out environmental assessments and site evaluations and many well-attended public meetings. The result is a draft plan which has been well received locally and which includes sites for housing well in excess of the minimum number required by the Waverley Local Plan Part 1. It has been a marathon effort on the part of all involved, which has not been made any easier as a result of a late submission by WBC of a new social housing site within the village settlement area which required a reconfiguration of the Plan and a further public consultation, leading to additional delay.

The Regulation 15 draft of the plan was submitted to WBC for examination in early October 2021. The examiner, Mr Jeremy Edge, was appointed by WBC in December 2021. The following month, January 2022, Mr Edge raised three procedural issues relating to the draft NHP, concerning the Basic Conditions Statement, the Consultation Statement and whether or not Peper Harow Parish Meeting had the necessary powers to agree to the inclusion of part of the parish in a NHP area. The Elstead and Weyburn NHP Steering Group, through Elstead Parish Council, responded to the first two points in March 2022, following a request from WBC, which agreed to respond to the third issue about the competence of Peper Harow Parish Meeting. WBC took advice from learned Counsel on this point, whose opinion confirmed that Elstead Parish Council, on behalf of and with the agreement of Peper Harow Parish Meeting, were entitled under section 61(F) of the Town and Country Planning Act 1990 to act in relation to the relevant neighbourhood plan area. For reasons which Elstead Parish Council is unaware of, and in spite of our several requests for urgent action, this advice to the examiner was not conveyed by WBC until 11 August 2022.

Mr Edge responded to WBC's letter on 9 September 2022, disagreeing with the advice given by learned Counsel on the competence issue. WBC replied by sending the full text of the advice on 28 September. In spite of WBC sending several reminder messages and phone calls, Mr Edge did not respond to this latest letter until 20 December 2022 (10 weeks later), when he again rejected Counsel's advice.

WBC have now sought further advice from Counsel on the issues raised by Mr Edge. It is likely that Counsel's full opinion will not be available until the middle of next month at the earliest, although his initial response is that Mr Edge appears to have misdirected himself in regard to the meaning of section 61 (F) of the TCPA 1990. In the light of experience to date, there is no guarantee that Mr Edge (who is not legally qualified) will be prepared to accept this further expert legal advice, which would in turn involve yet further delay in the NHP examination.

The position we now find ourselves in therefore is that our carefully designed NHP has been held up for the last 15 months or so as a result of a procedural dispute between the Examiner and WBC, which as matters stand at present shows little sign of resolution. For its part, Elstead Parish Council has lost confidence in the ability of the Examiner to conclude the examination, owing both to his reluctance to accept legal advice and the delay in responding to WBC's comments (although WBC has itself been extremely tardy in dealing with the issues raised). We have suggested therefore that the way forward would be to appoint a different examiner, but WBC appear reluctant to go down this route.

The extended delay in the NHP examination, which is entirely outside our control and has no relation to the substance of the plan, is causing real problems. We are left with no adopted plan, which means that the housing sites identified within the area cannot be progressed and the homes involved cannot be delivered. At the same time, the NHP area is at risk from speculative development proposals which do not comply with the policies set out in the draft plan. Furthermore, many in the village, particularly those who have been heavily involved in the development of the NHP, are perplexed and outraged at the 'angels on pinheads' arguments which appear to be frustrating the successful completion of a project in which they have invested so much of their time. This does nothing to promote confidence in the current planning system.

We therefore need to progress the examination as soon as possible. With this in mind, it would be very helpful if you could approach the Planning Minister to seek advice on:

- how to bring the legal dispute between WBC and the Examiner to a speedy resolution.

- if this appears impossible without further extended delay, is there a procedure for appointing a new examiner where the original examiner refuses to proceed expeditiously without good reason?

This is an issue of great importance to the village, on which your help would be most appreciated.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Pat Murphy'.

Pat Murphy
Chairman, Elstead Parish Council