

## **Elstead & Weyburn Neighbourhood Development Plan 2013-2032**

### **Final Decision Statement published pursuant to Section 38A (9) and (10) Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended)**

#### **1. Summary**

Following the positive referendum result on 20<sup>th</sup> June 2024, Waverley Borough Council (“the Council”) has decided to make the Elstead & Weyburn Neighbourhood Development Plan 2013-2032 (“the Plan”) under Section 38A(4) of the above Act. This statement sets out this decision and the reasons for the Council making it.

#### **2. Background**

Following the submission of the Plan to the Council, the Plan was publicised, and representations were invited. This publicity period ended on 10<sup>th</sup> December 2021.

Andrew Ashcroft was appointed by the Council with the consent Elstead Parish Council, to undertake the examination of the Plan. The examination was undertaken by way of written representations and a hearing. The Examiner’s report was received by the Council on 6<sup>th</sup> December 2023. Mr Ashcroft’s report proposed modifications and recommended that subject to the modifications, the Plan should proceed to Referendum on the basis that it meets all the relevant legal requirements.

On 19<sup>th</sup> April 2024 the Council published a Regulation 18 Decision Statement confirming that all the modifications recommended by the Examiner had been accepted and that the Plan, as modified met the basic conditions and could proceed to Referendum.

A Referendum relating to the Plan was held on Thursday 20<sup>th</sup> June 2024. The Referendum question was: “Do you want Waverley Borough Council to use the Neighbourhood Plan for Elstead & Weyburn to help it decide planning applications in the neighbourhood area?”. Paragraph 38A (4)(a) of the 2004 Act as amended requires the Council to make a neighbourhood plan if more than half of those voting have voted in favour of the plan. 92.1% of those who voted supported the Plan. The detailed results were as follows:

- Total ballot papers counted: 608
- Yes votes: 560 votes (92.1%)
- No votes: 48 votes (7.9%)
- Rejected ballot papers: 1
- Total ballot papers issued: 609
- Electorate: 2072
- Turnout: 29.4%

A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum, however the Neighbourhood Planning (General) Regulations 2012 (as amended) still require the Council to ‘make’ a neighbourhood plan within 8 weeks of a positive referendum result. The Council has decided to ‘make’ the Plan.

### 3. Reasons for decision

The Plan complies with the legal requirements and basic conditions mentioned in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. It has also been subject to a Referendum, and more than half of those who voted supported the Plan.

The Council is required by the Planning and Compulsory Purchase Act 2004 (as amended) to 'make' (adopt) the Plan as soon as reasonably practicable after the positive referendum result. There are narrow circumstances where a local planning authority is not required to 'make' a neighbourhood plan or order. These are where it considers that the making of the neighbourhood plan or order would breach, or otherwise be incompatible with, any EU or human rights obligations. It is not considered that making the Plan would breach or be incompatible with these obligations and as such it can now be formally 'made' by the Council.

This decision has been made by the Assistant Director of Planning Development under delegated authority.

A copy of this decision statement has been sent to the qualifying body (Elstead & Weyburn Parish Council) and all persons who made representations to the Regulation 16 consultation.

This decision statement can be viewed on the Council's website at: <https://www.waverley.gov.uk/ElsteadNP>

Hard copies can be inspected at:

- The Reception, Council Offices, The Burys, Godalming, GU7 1HR.
- Farnham Library

Signed:

*C Upton-Brown*

Claire Upton-Brown

Assistant Director of Planning Development  
Waverley Borough Council

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