



Elmbridge Borough Council

... bridging the communities ...

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Dominic Raab, MP
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Via email

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17 August 2023

Dear Mr Raab

Thank you for your further letter dated 31 July 2023, regarding Public Space Protection Orders (PSPOs). I am sure that you are already aware of what I am going to set out below, from my previous letter to you (dated 29 June 2023) but as you have written to me, or should I say published a letter to me, I will repeat it.

As we both know, the body which is crucial to securing a comprehensive and enduring solution to the issue of unauthorised moorings is the EA. I welcome the fact that you brought the Environment Secretary to our Borough to see the problem first hand, and what I hope was her firm commitment to bring pressure to bear on the EA to take robust enforcement action. If this turns into bringing about meaningful action on the part of the EA, it is to be applauded, and it would be well received by all. However, while the Council is willing to pull every lever under its control to help secure action, as we both know, and the EA freely acknowledges the action we are taking regarding PSPOs on Elmbridge owned land, doesn't give them any powers in addition to those they already have, and it would be misleading to suggest otherwise.

The results and implementation of the PSPO for a number of issues on Elmbridge green spaces were carefully considered by Cabinet on 5 July 2023. While there was widespread support for the introduction of the PSPO, there was also a degree of opposition and challenge to the introduction of the order, from boat owners and the National Barges and Travellers' Association (NBTA) concerned about the potential targeting of boaters and making boat owners homeless.

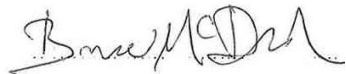
While a number of the concerns raised through the consultation have already been answered, some aspects require further clarity, in order to be transparent and to ensure that the statutory conditions for making such an order are met. In this regard, a second phase of consultation will now be carried out with more detail as to how a potential PSPO for unauthorised moorings would be implemented and enforced. This will be publicised online, and at sites it is relevant to, as well as consulting with the NBTA.

Far from dithering and delaying, this further phase of detailed consultation is required to demonstrate that the statutory conditions for making a PSPO have been satisfied and to ensure that any PSPO that we do seek to introduce is robust and legally sound, lawful, necessary, and proportionate. To fail to do so, would be irresponsible as a Council and would be at high risk of legal challenge which could significantly delay and damage the possible implementation of any PSPO which is considered proportionate and necessary.

I would like to reiterate that that this PSPO, if agreed, would only apply to Elmbridge owned land, and Surrey's land at Hampton Court Bridge, and as such, is not a long-term solution to the Borough-wide problem that we are both seeking to resolve. We continue to do all we can, locally, to tackle unauthorised moorings. However, as I have previously stated, the agency which has both the responsibilities and powers to make the greatest impact, and upon whom achieving a comprehensive solution inevitably depends, is the Environment Agency. Despite recent assurances following the meeting on 14 June between the Council and the EA, it is disappointing that little progress has been made, with the actions agreed.

I would welcome your support as our MP in a joint approach to the EA so that we can together do our utmost to focus their attention on providing the enduring solution our residents deserve and would be happy to jointly meet with the EA to hold them to account.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bruce McDonald', written in a cursive style.

Councillor Bruce McDonald
Leader – Elmbridge Borough Council