

COTTERED and THROCKING PARISH COUNCIL

Community Governance Review of Buntingford Town Council

Initial Submission by Cottered and Throcking Parish Council

To East Hertfordshire District Council

March/April 2018

Summary

- Cottered and Throcking Parish Council (CTPC) draws the attention of East Hertfordshire District Council (EHDC) to the possibility that its review decision may be affected to the disadvantage of residents in these two parishes by shortcomings in its procedure, timetable and documentation. (1)
- Thoughtful examination of the present and proposed positions of boundaries reveals that their present positions will remain appropriate. They will continue to allow best governance and servicing of growing local communities, at the same time as reflecting their history and preferences. (2)
- The provision of services and facilities for residents in these parishes, opportunities to involve them in local activities and effective democratic representation are best assured by leaving the boundaries as they are. The wishes of local residents are important, especially residents in Area A, and CTPC has taken practical steps to find out what those wishes are. (3 and 4)
- CTPC has been asked to report the views of some local organisations and does so. It also refers to local organisations which have made their views known direct to EHDC. It points out that they deal with relevant areas of special expertise which CTPC has not attempted address in this submission. It commends those views to EHDC, as also the views of individual local residents. (5)
- Current community governance reviews and review decisions elsewhere are explained and considered, circumstances distinguished from those of the Buntingford review and precedents found for a Buntingford review decision that the boundaries should remain in their present positions. (6)
- CTPC concludes that it has made a strong and well-founded case here and urges EHDC to decide that the boundaries should remain where they are. (7)

1. Context, presentation, motivation, preliminary procedure and onus

1.1 In making its submission Cottered and Throcking Parish Council (CTPC) has had regard to guidance on community governance reviews published by the Department for Communities and Local Government (DCLG) and to the terms of reference published by East Hertfordshire District Council (EHDC) for this particular review.

1.2 CTPC believes that, in attributing motivation and weight to submissions made during the review, EHDC should remain aware at all times that –

(a) it is carrying out this review in response to **a request from Buntingford Town Council** (BTC), not in response to a petition by the local electorate;

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(b) as far as CTPC is aware BTC's request did not stem from significant (or perhaps any) canvassing of the local electorate;

(c) CTPC was neither consulted by BTC about its intention to make this request nor given prior notice of it, although at that time CTPC and BTC (and others) were cooperating closely in producing a shared neighbourhood plan (BCANP); whilst such consultation and prior notice are not strictly required they may well have helped to facilitate governance arrangements acceptable and beneficial to all councils now involved in this review;

(d) EHDC was not under any obligation to carry out this review and indeed CTPC wrote to EHDC pointing out that the review was inappropriate and unnecessary and explaining why;

(e) CTPC notes that the process now underway is described as a review of **Buntingford Town Council** and believes that this description is misleading and belies the real focus of the review solely on realignment of two discrete lengths of Buntingford's town boundary, in the first case with Cottered and Throcking parishes and in the second case with Aspenden parish, patently to bring specific development sites within the town boundary; good, honest, informative and realistic practice in these and similar circumstances – as adopted in recent cases by St. Edmundsbury District Council for instance – is rather to name and headline the site and the parishes affected;

(f) CTPC notes that the Redrow residential development site within Area A and thus currently in CTP is named "**Bunt3**" in local planning policy documents;

(g) it seems to CTPC that the factors set out in (a) to (f) above may be symptoms of an established but misconceived assumption that Area A is really already or should be or is bound to become part of **Buntingford**;

(h) bearing in mind that a representative of CTPC met officers of EHDC in June 2017 to discuss the impending review but then, in spite of making enquiries, CTPC heard nothing at all about timetable or procedure until January 2018 (and that was via the district councillor representing **Buntingford** rather than directly from EHDC), the time allowed for submissions is inadequate;

(i) bearing in mind also that a good many local organisations which EHDC now claims to have consulted report to CTPC that they have not been consulted, that the availability of batches of leaflets at a few central points is not an adequate substitute for delivery directly and reliably to local electors and organisations, that a significant number of residents in CTP have little or no access to the internet and that in any event EHDC's online consultation facility has malfunctioned, the time allowed for submissions is inadequate and CTPC believes the review should be abandoned or at least re-scheduled;

(j) and bearing in mind the misconceived assumption explained at (g), the fact that through its members and officers BTC might appear to benefit from a close connexion with EHDC and Hertfordshire County Council (a statutory consultee) and that the resources available to BTC in putting its case are far greater than those available to CTPC, all possible steps should be taken to avoid the electors of CTP feeling disadvantaged by the review procedure and timetable.

1.3 As far as CTPC is aware neither the published guidance nor EHDC's terms of reference stipulate where the onus lies to demonstrate that the town and parish boundaries should remain where they are or be re-aligned. That is an important failure. CTPC's view is that common sense and natural justice dictate that the boundaries should remain where they are and where they have been since well beyond living memory, unless the councils, organisations and electors proposing re-alignment make their case to a higher standard than merely "on the balance of probability".

2. Community, geography, history, layout and mapping

2.1 Cottered and Throcking are rural parishes containing several settlements of various sizes, each with its own identity, character and some facilities and resources but all as appropriate sharing other facilities, resources and activities. Cottered is the largest village (sufficiently large to be classified Group 2 for planning purposes), whilst Throcking is distinctly smaller and there are hamlets or other nuclei of dwellings at Broadfield and Parkside. These settlements are well linked by a network of maintained roads with a range of classifications and sizes so that travel times between them are insubstantial. Parkside is immediately to the north of the new Redrow development and the other CTPC settlements between 2km and 6km to the west and south-west.

2.2 Parkside and the Redrow development are of course side by side within “Area A” as defined in the review documents.

2.3 Over centuries and still today CTP has displayed and displays changing patterns and balances of land and built development typical of rural East Hertfordshire parishes. Over time its settlements have altered in shape and size but remained distinct one from another, its inhabitants have worked and taken their leisure separately and together and as a result the parishes have a single overall but evolving character to the mutual advantage of all living and working within them.

2.4 CTPC’s view is that, in the best interests of all involved, this evolution should be allowed and encouraged to continue by leaving the parish and town boundaries on their present alignments at Area A.

2.5 To the extent that geographical proximity is a proper factor in deciding how settlements should best be “parished” together, CTPC points out that the northern part of Area A is (to within rather few metres) as close to the centre of Cottered as to the A10 roundabout and residential and commercial developments at the southern gateway to Buntingford.

2.6 The extent and colouring of the map attached to the terms of reference and to the publicity leaflet for the review tend to give the false impression that Area A is an awkwardly shaped and isolated tract of land, closer to Buntingford than to anywhere else or to anything else of significance. If the map were extended westwards to include the whole of CTP (or a larger part of it) it would be clear that Area A falls naturally within a perfectly sensible and understandable layout of CTP boundaries, free from any particularly awkwardly shaped or isolated tracts. At the same time it would show that, in comparison, by a school, by playing fields and by an industrial estate, Area A, with its new housing, is effectively separated from Buntingford and especially from any other housing there.

2.7 As an addition to Buntingford, Area A would indeed be awkwardly shaped, isolated and by no means an extension of what exists. In contrast Area A, containing the hamlet of Parkside and the Redrow site and falling within an understandable and long-established parish boundary, fits perfectly with other parts of CTP and the current overall pattern of development in those parishes.

2.8 The eastern edge of Area A lies along Ermine Street as does the boundary between CTP and the Buntingford parish. This is and will remain a very clear and appropriate alignment with strong historical and visual credentials. Ermine Street (the old A10) is the Roman road from London via Lincoln to York and is understood to be exactly on its original course as it borders Area A. On site and on maps its very straightness draws attention to it and identifies it as a deliberate man-made intervention in the landscape – it is intended to be noticed not concealed. It is made all the more definite and “impermeable” by having no roads joining it (other than the private drive to Corneybury) or crossing it and by there being enclosed parkland immediately to its east, quite unlike

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any land use current or proposed in Area A or in the parts of CTP west of Area A. Conversely, the A10 Buntingford bypass is a 1980s construction along the western edge of Area A, mostly in cutting and intended to be hidden as far as possible so as not to sever the single landscape to its east and west. As a result of having roads joining and crossing it – and a main access to the Redrow site is being added to these – it would be a less definite and more permeable boundary than Ermine Street. Physically the Redrow access couples Area A to the parts of CTP to its west. On the assumption that, if re-positioned, the CTP/Buntingford boundary would follow the centre line of the bypass here, at least 50% of the traffic using that access would still be travelling in CTP immediately before or after entering or leaving the Redrow development.

2.9 The weight given to the circumstances explained in 2.1-2.8 (above) might perhaps be reduced a little and some linkage with Buntingford emphasised if for instance all or most of the traffic to and from Parkside and the Redrow site once built and occupied is bound or likely to flow through Buntingford. This is not the case. The vast majority of vehicle movements will be via the bypass and many residents in Area 2 are likely to see and experience a good deal more of CTP than of Buntingford.

2.10 Published guidance cites the example of a single community expanding with new development across a boundary so as to leave some residents in a different parish from their immediate or near neighbours. Area A and the Redrow development within it are an entirely different case. There is no expansion across a boundary. The Redrow development is wholly within CTP, it is self contained, it does not join or even lie close to other similar existing development in Buntingford and is probably not even visible from or to such other development.

3. Community, facilities, finance and services

3.1 CTPC is aware of a suggestion that residents in Area A will benefit materially from facilities and services provided by BTC and/or in Buntingford, that Area A should therefore be taken into Buntingford and that precepts gathered from council tax payers in Area A and any New Homes Bonus payments should be available to BTC. That suggestion is misconceived.

3.2 Essential facilities and services are and will continue to be provided for residents in Area A by statutory bodies, government, HCC and EHDC and financed accordingly. Optional facilities and services are as likely to be provided for those same residents by and/or in CTP as by and/or in Buntingford. People living on the Redrow site may well prefer to use the pub, the village hall, the play area, the recreation grounds or the churches in CTP or to involve themselves in one or more of the many village clubs, societies, activities and events there. This certainly applies already to residents in Parkside. Equally, residents in any part of CTP may choose to use equivalent or other services and facilities in Buntingford. This pattern of reciprocal provision and use is established, welcome and should and will continue.

3.3 Even without the Redrow development, the population of Buntingford is already growing very rapidly and through new development now underway, permissions granted and applications in the pipeline, this trend is guaranteed to continue. It appears to CTPC that in these circumstances and to the extent that optional facilities and services are or can be provided by town and parish councils, the interests of current and future residents of Parkside and the Redrow development will be more directly and better served if Area A remains within CTP.

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3.4 This is partly a matter of focus and finance. Bearing in mind the projected number of residents in Area A in proportion to the projected number of residents in the whole of CTP and bearing in mind the additional funds likely to be available to CTPC through precept and New Homes Bonus if Area A remains within CTP, residents throughout CTP and particularly in Area A will be paid more attention and be better supported than if Area A becomes part of Buntingford.

3.5 Within Buntingford, residents of Area A will have less influence on decisions about facilities and services and on governance generally and a far smaller proportion of funds generated in Area A will be applied there.

3.6 CTPC is delighted to acknowledge a generous donation from Redrow to be used for the maintenance and improvement of the equipped play area in Cottered. This underlines the position and standing of Area A within CTP. Residents of Area A and particularly of the Redrow development are expected and welcome to use this facility. Similarly, they will be expected and welcome to use all other facilities and services in CTP and through precept and New Homes Bonus will have contributed to their provision and improvement. Redrow's press release about this donation is attached as Appendix 1.

3.7 For each existing and future household in Area A and at current levels of precept the proposed realignment of the boundary between CTP and Buntingford would immediately trigger a council tax increase of between £70+ and £100+ annually (Bands B-F). In view of the current and projected almost exponential growth of Buntingford's population it seems unlikely that much if any these amounts will be spent directly or specifically for the benefit of those who live in Parkside or on the Redrow development.

3.8 CTPC and other organisations in CTP are already examining opportunities to expand and increase facilities, services and opportunities to cater for and benefit from greater involvement of Area A residents. Cottered Village Hall, Cottered Village Appreciation Society and various sports clubs are among them, for example and CTPC understands some have made submissions direct to EHDC. The cricket, football and petanque clubs have pitches, pistes and other ancillary facilities here. In the context of this review they have asked CPTC to report that they are enthusiastic about increasing and widening membership and activities and about improving facilities to match.

4. Democracy and representation

4.1 EHDC's terms of reference for this review confirm that "**... the wishes of local inhabitants ... are therefore important considerations in this review.**" This is correct and consistent with published guidance. EHDC's Electoral Services department has clarified that this reference is to all inhabitants of all parishes touched by the review but that in proportion **more weight will properly be given to inhabitants of Area A.**

4.2 In May 2017 representatives of CTPC made a door-to-door visit to Parkside and gathered residents' views about the (then) impending review. The occupants of 10 dwellings (from a total of 13) were met and spoken to and signatures obtained to a pro forma request that EHDC find the boundary should remain on its present alignment. Other responses from Parkside residents were received later. CPTC's analysis of all responses indicates that 77% of Parkside households wish to remain part of CTP. Several residents felt strongly about this. A copy of the pro forma is attached as Appendix 2.

4.3 In March/April 2018 on behalf of CTPC representatives of the Cottered Village Appreciation Society carried out a similar exercise on the Redrow development. They explained the background to

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this review and invited residents to respond directly to EHDC. They have reported to CTPC that they found significant interest in this issue and that they have since had confirmation from residents of their opposition to BTC's proposal that the boundary should be re-positioned.

4.4 At the same time the Chairman of CTPC emailed a sample group of CTP residents to invite their views. The response rate was a little over 50% (this is a strikingly high rate in comparison for instance with the turnout rate in the neighbourhood plan referendum). Without exception respondents wished the boundary to remain in its present position.

4.5 CTPC points out that, given the importance and weighting of the wishes of local inhabitants (see 4.1), the fact that only a rather small proportion of the permitted dwellings are built and occupied at this moment is of the utmost importance. Clearly, this makes it simply impossible to find out, to weight and to consider the wishes of most of the local inhabitants in Area A who will in due course be most directly affected by EHDC's review decision. It is implied by published guidance and by the review's terms of reference that in such circumstances the appropriate course of action is to leave the boundary where it is. Alternatively – and there is precedent for this in review decisions elsewhere (see 6.7 below) - an appropriate decision is that the boundary shall remain unaltered but subject to review when all the dwellings are first occupied or at a specified longstop date.

4.6 The publicity leaflet issued by EHDC shows, on the basis of electors registered in February 2018, that BTC provides one councillor for every 382 electors, whilst CTPC provides one councillor for every 93 electors. CTPC has not yet seen equivalent projected electorate figures following completion and full occupation of the Redrow development. Assuming 300 additional electors in CTP at that stage and as at present 6 councillors, CTPC will then provide one councillor for every 143 electors. At the same time the number of electors per councillor in Buntingford is likely to have risen significantly as a result of other residential developments being built and occupied. Accordingly, CTPC estimates that at the time the Redrow development is completed and first fully occupied and on the assumptions that the CTP/Buntingford boundary remains in its present position and that CTPC and BTC have, as at present, six and twelve members respectively, there will be approximately four times as many electors per councillor in Buntingford as in CTP.

4.7 If EHDC takes the view that the particular character and identity of Area A deserves recognition, this may be achieved by designating an appropriately named parish ward for Area A within CTP. There is precedent for this in review decisions elsewhere (see 6.4 below). In practice, the same method of recognition could not be used if Area A were to become part of Buntingford because equitable representation would demand the designation of town wards and ward councillors for a considerable number of other established and developing areas across the whole area administered by BTC.

4.8 Whilst it is mentioned in 4.5 (above) that BTC has twelve members, CTPC respectfully points out that BTC has a long and published history of acrimony between councillors, of procedure being challenged, of resignations and of members failing to attend meetings. It is understood that BTC has only eleven members at present and has advertised for someone willing to fill a vacancy caused by a former member repeatedly and without explanation failing to attend meetings. CTPC has no such history.

4.9 It is open to EHDC as part of its review decision to direct that councils be allocated additional members. There is precedent for this in current reviews and review decisions elsewhere (see 6.2 and 6.4 below). This may be appropriate and workable for CTPC if Area A is designated a parish ward (see 4.6 above) or perhaps in any event but arguably additions to the twelve members already allocated at Buntingford would threaten to make BTC unwieldy and ineffective.

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4.10 In the circumstances set out in 4.5 to 4.9 (above), CTPC believes logic and experience are defied by supposing electors in Area A will be better represented by BTC than by CTPC.

4.11 Area A is part of the EHDC Cottered and Mundens ward. The member for this ward is experienced in representing a rural area within which are settlements of various sizes and with differing relationships with one another. Parkside is of course already part of that pattern. Parkside's neighbouring settlement, the Redrow site, will conveniently and naturally become part of the same evolving pattern albeit with its own characteristics in terms of age and size. CTPC is certain that the needs and wishes of residents in Parkside and on the Redrow site will be in closer focus and better understood at district council level if Area A remains in Cottered and Mundens ward than if it becomes part of Buntingford ward and simply another "suburb" of that town. In making this comment CTPC has assumed, although it is not spelt out in EHDC's review documents, that the ward boundary would be adjusted to follow the town/parish boundary either immediately or in due course. On a point of procedure, CTPC questions whether the terms of the current review can be well-conceived without addressing the matter of the district council ward boundary and in consequence building in the strong probability that local councils, organisations and residents will shortly be put to the very real inconvenience of a second review. Of course, if EHDC should decide that the town and parish boundaries should remain as they are, any difficulty with the district council ward boundary is avoided.

5. Other local views

5.1 CTPC understands that various organisations in its parishes have put their views to EHDC. These organisations have particular interests, responsibilities and expertise and CTPC has aimed in this submission to avoid commenting where it expects those organisations are better equipped and ready to do so.

5.2 The cricket, football and petanque clubs have asked CTPC to relay their views to EHDC. This has been done at 3.8 (above).

5.3 The Rector and/or parochial church councils at Cottered and Throcking have invited CTPC to state that they support CTPC's approach to EHDC's review. They do not believe that a recent adjustment by the Diocese of St. Albans of the ecclesiastical parish boundaries between Throcking and Buntingford has any relevance to this review. It was made in response to the application of a particular formula for the funding of diocesan operations by local church congregations. For the record, CTPC as a consultee suggested that underlying church objectives could be better achieved without the adjustment.

5.4 As and when opportunities have arisen CTPC has encouraged local residents to make their views known direct to EHDC but it is aware that considerable difficulties have been encountered with EHDC's on-line system.

6. Relevant reviews and review decisions elsewhere

6.1 CTPC acknowledges EHDC's indication that local governance reviews and review decisions elsewhere in this district and further afield may contain information which is relevant and helpful to CTPC in putting its case and to EHDC in carrying out its review and making its decision.

6.2 Current review – EHDC – Gilston and Eastwick (GE)

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6.2.1 ... at request of GE parish council ... increase number of councillors from six to seven following completion of Terlings Park development and approx. doubling of GE parish population from 331 to 661 ...

6.2.2 CTPC note – close parallels to Buntingford review which involves significant new development and similar changes in existing and projected parish populations.

6.3 Current review – EHDC – Bishops Stortford (BS)

6.3.1 ... at request of BS town council ... incorporate in BS development extension south of town and crossing current town/parish boundary ... re-draw to match existing district ward boundary ...

6.3.2 CTPC note - differs significantly from Buntingford review which involves **no cross-boundary development** and **no** matching to existing district ward boundary.

6.4 Review decision – St. Edmundsbury DC – Great Barton Parish (GBP) and Bury St. Edmunds Parish (BSEP)

6.4.1 ... North-East Bury St. Edmunds Vision 2031 Growth Site in GBP... separated from most of GBP in terms of main village, population and area by A143 main road ... small settlement of Cattishall close to development site ... Cattishall electors felt strongly part of GBP ... GBP council supported ... reasons include “ ***... it provides parish boundaries to reflect the identities and interests of local residents (current and future) and offers them more effective and convenient local government (Great Barton felt that being an integrated part of their Parish would allow the new community to develop with strong and focused democratic representation and reflect shared interests and needs with the rest of the Parish (which already has several distinct but strongly connected communities ie village, Cattishall and East Barton. The Parish Council also felt that this option would provide the new residents the chance to develop their own community identity and local services while development is taking place and then decide their own future at a later CGR after building is complete ...***” ... GBP to be divided into Severalls ward (including growth site and Cattishall) and North ward (bulk of parish north of A413) ... two additional councillors for Severalls ward to join nine for North ward ...

6.4.2 CTPC note - close parallels to Buntingford review ... **separation by main road** (A143 = A10 Buntingford bypass) ... **several distinct but strongly connected communities** (Gt. Barton, East Barton, Cattishall = Cottered, Throcking, Broadfield, Parkside) ... **small settlement close to development site** (Cattishall = Parkside) ... of three reasons for decision, barrier effect of railway on south boundary of Severalls ward probably relatively unimportant; clear, straight and long-established alignment as mapped (= Ermine Street) but in visual/physical, loyalty and movement terms reduced by bridges, level crossing and cuttings and continuing access to growth area from BSEP across railway ... main access to new development from main road rather than from existing developments (A143= A10 Buntingford bypass).

6.5 Review decision – St. Edmundsbury DC - North-West Bury St. Edmunds Vision 2031 Growth Site – Fornham All Saints Parish (FASP) and BSEP

6.5.1 ... incorporate in BSEP - direct access to growth site from existing housing development ... principle supported by all respondents including FASP...

6.5.2 CTPC note – differs significantly from Buntingford review in being direct extension and supported by all respondents including FASP.

6.6 Review decision – St. Edmundsbury DC - West Bury St. Edmunds Vision 2031 Growth Site – BSEP and Westley PC

6.6.1 ... Incorporate in BSEP ...

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6.6.2 CTPC note - differs significantly from Buntingford review... direct extension of and access between existing and new development ... no response from Westley PC.

6.7 Review decision – St. Edmundsbury DC -Strategic sites Moreton Hill etc – BSEP and adjoining parishes

6.7.1 ... Re-review in 2021 or when majority of residential properties are first occupied ...

6.7.2 CTPC note – CTPC would prefer the Buntingford review decision not to require re-review in the short or medium term but accepts that effective governance and democracy may be served by a decision now to leave boundaries unchanged and to re-review in due course.

6.8 Review decision South Cambs DC – Willingham Parish Council and Over Parish Council

6.8.1 ... uneven division of open land and farm and commercial premises along route between main built areas of two villages ... difficulties with planning decisions, postal deliveries etc ... historic boundary (dating from 1618) ... strong opposing views evenly balanced ... decision to leave boundary unchanged ...

6.8.2 CTPC note – advantages must be very clear before a historic boundary (= Ermine Street) is re-aligned in spite of clear and substantial local opposition.

7. Conclusion

CTPC is concerned about shortcomings in the procedure and timetable for this review and about a possibility that EHDC's conclusion may be affected by an imbalance between the access and resources available to BTC and CTPC in making their submissions. It believes however that there is a strong case for deciding that the parish and town boundaries shared by Buntingford and CTP should remain in their present positions. It believes also that it has set out that case clearly and in detail in this submission, by reference to the published guidance, the terms of reference, the specific relevant historic, current and projected circumstances in Cottered, Throcking and Buntingford and to precedents suggested by current reviews and review decisions elsewhere.

Bearing in mind that the wishes, convenience and effective governance of local residents are acknowledged to be most important considerations, CTPC hopes EHDC will give careful thought to views put to it directly by organisations and individuals in CTP as well as to this submission. CTPC is ready to provide any additional explanation or information which may help EHDC in the next stages of this review.

CTPC urges EHDC to find upon review that no alterations shall be made in to the present positions of the civil parish and town boundaries between Buntingford and Cottered and Throcking.

Signed



Chairman Cottered & Throcking Parish Council

Date

4th April 2018