

**REPORT TO:** Civic Affairs Committee

2 December 2020

**LEAD OFFICER:** Jeff Membery

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# **Sawston and Babraham Parish Boundary: Community Governance Review**

## **Executive Summary**

1. To consider a request from Sawston Parish Council for a Community Governance Review to change the boundary of the Parish of Sawston to incorporate new developments on the boundary of the Parish of Sawston and the Parish of Babraham.

## **Key Decision**

2. No

## **Recommendations**

3. It is recommended that Civic Affairs Committee:
  - 3.1 agrees the request from Sawston Parish Council for a Community Governance Review to consider a boundary change (either Option One or Option Two at point 26 of the report).
  - 3.2 agrees, with or without amendments, the draft terms of reference (Appendix A); and
  - 3.3 agrees for Head of Transformation to agree a timetable in consultation with Sawston Parish Council, Babraham Parish Council and other stakeholders.

## **Reasons for Recommendations**

4. A Community Governance Review provides the opportunity for principal authorities to review and make changes to community governance within their areas as changes to local communities arise, including change as a result of new developments.
5. Principal authorities should be aiming to put in place strong, clearly defined boundaries, tied to firm ground features and removing any potential anomalous boundaries.
6. Principal authorities should ensure that community governance arrangements continue to reflect local identities and facilitate effective and convenient local government.

7. The District Council is obliged to keep under review the community governance arrangements for its area, to ensure that the arrangements in place continue to allow good community engagement, good local democracy and permit the effective and convenient delivery of local services.
8. A Community Governance Review to gain views of residents gives South Cambridgeshire District Council (SCDC) an opportunity to put in place strong boundaries, tied to firm ground features, remove anomalous parish boundaries ensuring effective community representation and local administration.

## Details

9. Sawston Parish Council have made an application to the Council for a Community Governance Review to consider a boundary change between Sawston and Babraham Parish to address potential anomalies resulting from two new developments on the Sawston/Babraham Parish Boundary. The application (Appendix B) includes a proposed boundary change.
10. The development H/1: b – North of Babraham Road (planning ref S/3729/18/FL) consists of 3.64 hectare and is entirely within the parish of Babraham whilst abutting the built environment of Sawston. Planning permission was granted on 28/8/2019 for 158 homes. The development H/1:c – South of Babraham Road consists of 11.64 hectare and spans the parish boundary of Sawston and Babraham; this development is at pre-application stage. The Council is anticipating an application of around 260 homes. In February 2020, Bidwell's, acting on behalf of the three landowners of this site, advised that outline planning will be submitted in 2020 with first completions expected 2021/2022.
11. Sawston Parish Council and Babraham Parish Council have agreed Memorandum of Understanding (December 2019) setting out an agreed approach to allocation of S106 funds arising from H/1: b and H/1: c.
12. Babraham Parish Council are supportive of the proposed Community Governance Review provided that the aforementioned Memorandum of Understanding is adhered to.
13. The existing Sawston parish electorate is 5536. The electorate is forecast to increase by 418 in the next five years due to planned developments<sup>i</sup>.
14. The existing Babraham parish electorate is 234. The electorate is not forecast to increase in the next five years as there are no planned developments. <sup>ii</sup>
15. *The Greater Cambridge Housing Trajectory and 5 Year Housing Land Supply: April 2020* allocated planned homes against the address on the planning application and does not take into account Parish Boundaries. In this case, planned developments have been allocated to the Parish of Sawston because of the address on the planning application.

- 16.** The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) provided for a Principal Council to conduct a review of the community governance arrangements for the whole or part of its area for the purpose of considering whether or not to make any changes to parish boundaries or size, and/or the creation of new parishes; and the review of the electoral arrangement for new and/or exiting parishes. Section 93 of the 2007 Act allows principal councils to decide how to undertake such a review, provided they comply with the duties in the Act which apply to councils undertaking reviews. If, following a review, the Council decides that changes should be made to the electoral arrangements they may make an Order giving effect to the changes. Section 93 of the 2007 Act provides, among other things, that when considering the number of councillors to be elected for the parish as a whole, the Principal Council must have regard to the need to secure that community governance is effective and convenient.
- 17.** Local Government Boundary Commission (LGBCE) guidance states as far as boundaries between parishes are concerned, these should reflect the “no-man’s land” between communities represented by areas of low population or barriers such as rivers, roads or railways. They need to be, and be likely to remain, easily identifiable. For instance, factors to consider include parks and recreation grounds which sometimes provide natural breaks between communities, but they can equally act as focal points. A single community would be unlikely to straddle a river where there are no crossing points, or a large area of moor land or marshland. Another example might be where a community appeared to be divided by a motorway (unless connected by walkways at each end). Whatever boundaries are selected they need to be, and be likely to remain, easily identifiable. (*LGBCE: Guidance on Community Governance Reviews: 83: 25*)
- 18.** In many cases a boundary change between existing parishes, or parishes and unparished areas, rather than the creation of an entirely new parish, will be sufficient to ensure that parish arrangements reflect local identities and facilitate effective and convenient local government. For example, over time, communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across them resulting in people being in different parishes from their neighbours. (*LGBCE: Guidance on Community Governance Reviews: 84: 25*)
- 19.** A review of parish boundaries is an opportunity to put in place strong boundaries, tied to firm ground detail, and remove anomalous parish boundaries. (*LGBCE: Guidance on Community Governance Reviews: 85: 25*)
- 20.** In deciding what recommendations to make the principal council must have regard to the need to secure that community governance reflects the identities and interests of the community in that area and is effective and convenient. The 2007 Act provides that it must also take into account any other arrangements (apart from those relating to parishes and their institutions) that have already been made, or that could be made, for the purposes of community representation or community engagement (*LGBCE: Guidance on Community Governance Reviews: 94: 27*)
- 21.** Changes to parish boundaries usually take place at the next scheduled elections of the parish. Elections are due in each of these parishes in May 2022.
- 22.** Should Civic Affairs Committee, and then Council, agree to the proposed changes to the parish boundary, the district council ward boundary will not be automatically

updated. This will mean that the area affected will be in the Sawston parish but will remain with Babraham parish in the ward of Duxford.

23. Subsequent to the approval of any changes made by a CGR, the Council can write to the LGBCE to seek realignment of the ward boundary. The later this decision is made by the Council, the less likely it is that LGBCE will amend in time for May 2022.
24. There can be no guarantee that any changes requested of the LGBCE will be made in time for district elections. If the district ward boundary is not realigned in time for the 2022 elections, electors within the affected area will remain in a different ward to the rest of Sawston parish.

## Options

25. The Committee could agree or disagree to commence a Community Governance Review of the boundary between the parishes of Sawston and Babraham.
26. Should the Committee agree to commence a Community Governance Review of the boundary of the parishes of Sawston and Babraham, they could agree one of two options (Stage 2 is essentially the same in each option):
  - 26.1 Option one:
    - Stage one – invite submissions presenting the boundary Sawston Parish Council have proposed and requesting any other alternative boundaries for consideration.
    - Stage two - invite submissions on one or more options for boundary change as informed by Stage one.
  - 26.2 Option two:
    - Stage one – invite submissions on possible alternative boundaries.
    - Stage two - invite submissions on one or more options for boundary change as informed by Stage one.
27. Agree with or without amendments, the draft terms of reference (Appendix A); and
28. Agree for the Head of Transformation to agree a timetable in consultation with Sawston Parish Council, Babraham Parish Council, Pampisford Parish Council and other stakeholders or determine a timetable.

## Implications

29. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered: -

## Legal

30. By section 82 the 2007 Act Councils have a discretionary power to undertake a Community Governance Review.

Section 93 the 2007 Act states the following duties of a Council in undertaking a review:

- “(1) The principal council must comply with the duties in this section when undertaking a community governance review.
- (2) But, subject to those duties, it is for the principal council to decide how to undertake the review.
- (3) The principal council must consult the following—
  - (a) the local government electors for the area under review;
  - (b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.
- (4) The principal council must have regard to the need to secure that community governance within the area under review—
  - (a) reflects the identities and interests of the community in that area, and
  - (b) is effective and convenient.
- (5) In deciding what recommendations to make, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions)—
  - (a) that have already been made, or
  - (b) that could be made,for the purposes of community representation or community engagement in respect of the area under review.
- (6) The principal council must take into account any representations received in connection with the review.
- (7) As soon as practicable after making any recommendations, the principal council must—
  - (a) publish the recommendations; and
  - (b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.
- (8) The principal council must conclude the review within the period of 12 months starting with the day on which the council receives the community governance petition or community governance application.”

These duties are reflected within the Terms of Reference agreed by Committee prior to commencement and must be considered in making a decision.

Section 100(1) of the 2007 Act empowered the Secretary of State to issue guidance as to the carrying out of Community Governance Review's. By section 100(4) of the Act, the Council is obliged to have regard to any such guidance issued.

The currently relevant Guidance was published the DCLG in March 2010 ("the Guidance").

## **Staffing**

31. Staff time will be required to carry out the review and has been allocated within the Sustainable Communities and Wellbeing Team. The time will be spent consulting interested parties, taking account of any representations received and reporting back to the Committee.

## **Risks/Opportunities**

32. Undertaking a Community Governance review will give residents the opportunity to engage with local democracy and determine parish boundaries following new developments. There is a risk to SCDC of not providing effective governance. The Community Governance review is supported by the process of developing the aforementioned Memorandum of Understanding (MOU) on S106 allocations and the MOU itself.
33. As mentioned in the body of the report, there is a risk that this review will result in unaligned district and parish boundaries as we head towards all out district and parish elections in 2022. The earlier that a decision is made by Council on this review, the more chance there is of seeking the necessary realignment in time for the 2022 elections, but as this realignment is made external to the Council, no guarantee can be made on timings
34. The current Coronavirus pandemic may have an impact on the timetable for the review. It may also mean face-to-face engagement activity is not possible and other methods of gathering local views will be needed.

## **Equality and Diversity**

35. The Council will work with Sawston Parish Council, Babraham Parish Council and Pampisford Parish Council to identify and consult with interested parties. There will be provision for collection of paper submissions, and they will also be accepted online and by post.

## **Consultation responses**

36. Sawston Parish Council and Babraham Parish Council have entered into a MOU (10 December 2019) to approve a shared view on S106 allocation to be requested through the planning process irrespective of any changes to the current administrative parish boundaries and b) any changes to the mechanism by which developer contributions are secured by SCDC. The MOU apportions S106 from H/1: b and agrees scenarios for allocation of S106 for H/1: c depending on the number of homes and S106 contributions
37. SCDC members representing Babraham, Sawston and Pampisford have been advised of this request. Cllr Brian Milnes is a Sawston Parish Councillor and is supporting Sawston Parish Council with their request.

38. As per above Babraham Parish Council are supportive of the proposed Community Governance Review provided that the aforementioned MOU is adhered to.
39. Further discussion is needed with Pampisford Parish Council; however, their initial response is that they would 'slightly reluctantly support' the proposed boundary change although they have concerns it could result in further development. They would like it noted that currently Pampisford Parish Council is against any future incursion into Green Belt Land.

## **Alignment with Council Priority Areas**

### **A modern and caring Council**

40. Appropriate community governance arrangements will help the Council to sustain existing successful, vibrant villages and establish successful and sustainable new communities. The Local Government and Public Involvement in Health Act 2007 (Section 100(4)) requires principle councils to undertake Community Governance Reviews in accordance with the guidance below.

## **Background Papers**

The Local Boundary Commission for England: Guidance on Community Governance Review: March 2010.

## **Appendices**

Appendix A: [Draft Terms of Reference](#)

Appendix B: [Sawston Parish Council Application for CGR](#)

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<sup>i</sup> The Greater Cambridge Housing Trajectory and 5 Year Housing Land Supply: April 2020

<sup>ii</sup> The Greater Cambridge Housing Trajectory and 5 Year Housing Land Supply: April 2020