

REPORT TO: Civic Affairs Committee

25 March 2021

LEAD OFFICER: Jeff Membery

Sawston and Babraham Parish Boundary: Community Governance Review

Executive Summary

1. Following agreement at Civic Affairs Committee (December 2020) Stage One of the Sawston and Babraham Community Governance Review regarding the boundary between the parishes of Babraham and Sawston was conducted between 6 January and 3 March 2021.
2. The review was prompted by an application by Sawston Parish Council who also proposed a specific change to the boundary concerned. The Terms of Reference are set out at Appendix A and the proposed boundary and submission questions are set out in Appendix B: Submission Form: Stage One.
3. Of the 75 respondents to the Stage One consultation, the majority:
 - 3.1 agreed that the existing boundary should be changed: 64 (85.3%) supported the proposal that the existing boundary should be changed and a minority of 11 (14.7%) did not.
 - 3.2 agreed that the proposed boundary change was the best option: 61 (81%) supported the proposed boundary change compared to 14 (19%) who did not.
4. Five respondents suggested three alternative boundary changes to that proposed, one respondent suggested an alternative proposal that was actually the same as that proposed by Sawston Parish Council; another respondent suggested a boundary following the proposed route of Cambridge South East Transport Project: Phase 2 (CSET: Phase 2) which is broadly similar to the proposed boundary change and the other three respondents suggested a third alternative; of a boundary between H1b and H1c along the Babraham/ Sawston Road.
5. It should be noted that CSET: Phase 2 is at proposal stage only.
6. The third proposed boundary is not consistent with Local Government Boundary Commission for England (LGBCE) Guidance in that it results in neighbouring properties being in separate parishes and a boundary line which is difficult to identify (see further details at Items 12 and 13).

Key Decision

7. No

Recommendations

8. It is recommended that Civic Affairs Committee agrees:
 - 8.1 To invite submissions for Stage Two according to the timeline set out in the Terms of Reference.
 - 8.2 To decide which options to put forward to consult upon for the second round of consultation, taking into consideration the likely implications for each of the options. These are detailed in the options section of the report.

Reasons for Recommendations

9. Most respondents agreed that the existing boundary should be changed.
10. Most respondents also agreed that the proposed boundary change was the best option.
11. Five respondents suggested three alternative boundary changes to the one proposed by Sawston Parish Council – these are detailed in the executive summary section of this report.
12. The proposal for a boundary between H1b and H1c along the Babraham/ Sawston Road is not consistent with LGBCE Guidance. This option would result in neighbouring properties being in separate parishes; create a ‘no mans’ land’ between H1c and the settlement of Babraham and arguably result in a parish boundary that is not easily identifiable, particularly as there are similar distances between H1c and the settlements of both Pampisford and Babraham.
13. LGBCE guidance suggests boundaries should ensure communities are easily identified; and that boundaries themselves are easily identifiable and likely to remain so (See *LCBCE Guidance: page 25: 83-85*). This also means it would be unusual for early unconfirmed proposals for CSET: Phase 2 to be used as a boundary option.

Details

14. 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 included a proposed boundary change.
15. 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 village 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.
16. Sawston Parish Council and Babraham Parish Council have agreed a Memorandum of Understanding (December 2019) setting out an agreed approach to allocation of S106

funds arising from H/1: b and H/1: c. Both parishes were supportive of the review and proposed boundary change.

17. The existing Sawston parish electorate is 5,536. The electorate is forecast to increase by 418 in the next five years due to planned developmentsⁱ.
18. 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.ⁱⁱ
19. *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.

Options

20. The Terms of Reference set out two stages for this review. Stage One invited views on the boundary change generally, the proposed boundary change specifically and invited alternative boundary changes. The following options concern Stage Two.
21. The Committee could resolve to:

Option one:

Invite Stage Two submissions on three options for a boundary change including all suggestions arising from the Stage One:

- to create a boundary between H1b and H1c along the Babraham/ Sawston Road.
- to create a boundary based on the proposed route of the CSET: Phase 2
- the boundary proposed by Sawston Parish Council presented at Stage One

Option two:

Invite Stage Two submissions on the boundary change proposed by Sawston Parish Council and one of the alternative proposals providing reasons as to why the other alternative was not included.

Option three:

Invite Stage Two submissions on an alternative set of boundaries proposed by members, based on the consultation feedback and information presented.

Implications

22. 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

23. 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

24. 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

25. 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.
26. 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.
27. 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

28. 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

29. Submissions were invited between 6 January and 3 March 2021. The consultation was promoted via SCDC social media; via local newsletters in Babraham, Sawston and Pampisford, via door-to-door delivery of flyers in Babraham and Sawston; posters in each village and via Parish council websites. Residents were encouraged to respond online but could also access paper submission forms at Sawston Village Post Office.
30. Most respondents to the Stage one consultation agreed that the existing boundary should be changed. Of 75 respondents, 64 (85.3%) agreed that the existing boundary should be changed and a minority of 11 (14.7%) disagreed.

- 31.** Most respondents also agreed that the proposed boundary change was the best option: 61 (81%) compared to 14 (19%) whom disagreed.
- 32.** Five respondents suggested three alternative boundary changes to that proposed:
- 32.1 One respondents' suggestion is actually the same as the proposed change.
 - 32.2 Another respondents' suggestion was to follow the proposed route of (CSET: Phase 2). This is similar to the proposed boundary change.
 - 32.3 Three respondents suggested a third alternate boundary between H1b and H1c along the Babraham/ Sawston Road.

Alignment with Council Priority Areas

A modern and caring Council

- 33.** 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.

Sawston and Babraham Parish Boundary: Community Governance Review: Civic Affairs Committee: December 2020

Appendices

Appendix A: Terms of reference

Appendix B: Submission form: Stage One

Appendix C: Analysis of Stage One submissions: Sawston and Babraham Parish Boundary: Community Governance Review

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ⁱ The Greater Cambridge Housing Trajectory and 5 Year Housing Land Supply: April 2020

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