

Parish Review

East Area Panel, item 6

Agenda Item 6

Committee: EAST AREA PANEL

Date: 23 May 2006

Title: Parish Review

Author: Peter Snow, Electoral Services Officer,
01799 510431

Item for
decision

Summary

The Council is conducting a Parish Review under statutory powers contained in the Local Government and Rating Act 1997 (Section 9). This is in response to an approach received last year from Little Dunmow Parish Council following a decision of the Annual Parish Assembly to request the separation of part of the parish to form a new parish based on the Oakwood Park development. The Review has been limited to consideration of the arrangements for Little Dunmow only because a wide-ranging Parish Review was conducted as recently as 2002.

This matter has been delegated to the Area Panel for decision. If it is decided to proceed, a recommendation to that effect will have to be submitted to the Secretary of State for Communities and Local Government for determination. A proposed scheme of electoral arrangements both for the new parish and the revised parish must also be submitted to the Electoral Commission.

Recommendations

That the Area Panel decides whether to propose the creation of a new parish, based on the area of Oakwood Park, and, if so, considers the name and boundary of the new parish and what the electoral arrangements should be, both for the area of the new parish and for the revised parish of Little Dunmow.

The Parish Review Working Party (set up for this purpose by the Operations Committee) has now met to consider what the Council's proposals to the Secretary of State should be. The Minutes of that meeting are attached as appendix 1 to this report and Members are invited to take the Working Party's recommendations into account in formulating its decisions.

Background Papers

Parish Review file, including responses to the public consultation, committee reports and relevant maps.

Environment Circular 11/97.

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Impact

Communication/Consultation	Anyone who is considered to be an interested party
Community Safety	Not applicable
Equalities	Not applicable
Finance	Some extra cost and officer time but not significant
Human Rights	Not applicable
Legal implications	None for Uttlesford
Ward-specific impacts	Felsted
Workforce/Workplace	None

Situation

- 1 In June 2005, Little Dunmow Parish Council wrote reporting the outcome of the annual parish assembly that had voted to request UDC to support the creation of a separate parish, based on the area of Oakwood Park.
- 2 It was decided to initiate a parish review under Section 9 of the Local Government and Rating Act 1997, but to limit the review to arrangements for the parish of Little Dunmow only. Under a Section 9 review, the Council can:
 - Recommend the constitution of a new parish by –
 - a) The aggregation of parts of parishes;
 - b) The amalgamation of two or more parishes; or
 - c) The separation of part of any parish.
 - The abolition of a parish, with or without the distribution of its area among other parishes.
 - The alteration of the area of a parish.
- 3 The review was advertised in the local press and letters sent to interested parties. The review timetable is:
 - Publication of notice announcing commencement of review – 1 September 2005.
 - Formal consultation period – 1 September to 30 November 2005.
 - Evaluation of proposals – December 2005 to January 2006.

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- Agree draft recommendations – February 2006.
 - Publish and consult on draft recommendations – March to May 2006.
 - Evaluate responses to draft recommendations – May to June 2006.
 - Decide final recommendations and submit to Secretary of State – July to September 2006.
- 4 We have now reached the end of stage two of the review as formal responses to the consultation had to be received by Tuesday, 2 May. It was originally envisaged that the decision would be made by the Operations Committee on 15 June but the matter has now been delegated to the East Area Panel for determination. Accordingly, the process of evaluating responses has, of necessity, been rather rushed.

Outcome and Analysis of the Stage Two Consultation

- 5 Because of the wide-ranging and fundamental nature of the proposal, and the need to establish community identity, a deliberate decision was made to consult directly by post with every registered elector in Little Dunmow. Letters were also sent to other interested parties, including some residents in Felsted. The outcome of that consultation is included in the various appendices to this report.
- 6 Responses have now been received from 266 households out of an estimated 579 occupied properties in the parish, representing a percentage return of about 46%. A total of 204 households have responded at Oakwood Park (46.5%) and 62 from the village (44%). However, please note that all references in this report to responses refer to individual occupiers and not to households. The decision to consult in this way has been vindicated because most responses have been on an individual basis. In some cases, differences of view are apparent within households.
- 7 After a sluggish start these figures are quite encouraging although it does mean that a decision will have to be made on the views of an absolute minority of the resident population. However, in the officers' opinion the number of responses received validates a decision being made at this meeting, provided Members are satisfied that a clear and unambiguous view has emerged.
- 8 In evaluating these responses, it is important to distinguish between those from the parish as a whole and those received specifically from Oakwood Park. This is because the criteria (see paragraphs 17-19 for further detail) refer to establishing the wishes of those local inhabitants concerned and whether the area of the proposed new parish can be regarded as a separate and distinct community. For that reason, **the views of the residents of Oakwood Park must be given more weight than those of other occupiers in the existing parish in deciding whether to recommend a new parish.**

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- 9 In the village of Little Dunmow a clear picture has emerged in that a little under 77% of those responding favour a separation of Oakwood Park away from the existing parish. Given the tensions that exist this is perhaps not surprising although a significant minority view is against change. It is also unsurprising that all but one of the respondents identifies with the community of Little Dunmow, whether or not they favour change.
- 10 At Oakwood Park, a slightly less clear picture has emerged. A total of some 70% of all respondents expressed agreement with the proposal, as against some 25.5% expressing disagreement. This, however, seems a solid and settled majority and the number of people voting yes now represents a little over 33% of the adult voting population.
- 11 There was a more mixed response to the question about community loyalties. More than a third of respondents state that they identify primarily with Felsted and only a little more than half of all respondents said that they identify primarily with Oakwood Park. A small minority (11%) say that they identify with Little Dunmow, the parish to which they are presently attached.
- 12 This outcome must to some extent be qualified because many residents have mentioned their attachment to Felsted results from the absence from Oakwood Park of any facilities such as shops, play facilities etc and that their allegiances may change once these are provided.
- 13 Please refer to the appendices listed below for further detail of the consultation outcome. Copies of all separate letters received as part of the consultation are attached as well as any questionnaires including additional comments.
- Appendix 2 – summary of responses received from residents at Oakwood Park.
 - Appendix 3 – summary of responses received from residents in Little Dunmow village.
 - Appendix 4 – record of responses received by letter from residents of Felsted.
 - Appendix 5 – overall summary of responses received to the stage two consultation.
 - Appendix 6 – summary of properties at Oakwood Park and estimate of those presently occupied.
 - Appendix 7 – table showing the growth of the electorate in Little Dunmow parish since 2001.
- 14 A word of explanation may be helpful regarding the decision to consult with residents in Station Road, Mill Road and Bury Fields in Felsted. At the time that the Council agreed its draft recommendation to consult on the possible creation of a new parish, a planning application had been submitted for further development to the south-east of Oakwood Park together with the suggested relocation of the proposed open space land, new playing fields and a sports pavilion. Much of the site the subject of this application is located in Felsted

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parish. Accordingly, it was felt that comments should be invited from residents living close by the application site.

- 15 In the event the application was refused and an appeal has been lodged. The letters received from Felsted residents display an almost universal, though perhaps understandable, hostility towards Oakwood Park. In this context, it is possibly ironic that many Oakwood Park residents identify most with the community of Felsted.
- 16 Members must form their own judgement about what the consultation tells us and how that information can be used to inform the decision as to whether the establishment of a new parish should be recommended. Whether only those replies from residents of Oakwood Park are considered, or the response from the whole parish is taken into account, Members may feel that there is sufficient justification to take such a step but this decision must be weighed against the criteria set out below.

On what Criteria will the Decision be Based

- 17 Environment Circular 11/97 on Parish Reviews says that parish councils have two main roles: community representation and local administration. It goes on to say that:
- ‘For both purposes it is desirable that a parish should reflect a small, distinctive and recognisable community of interest, with its own sense of identity. **The feeling of local community and the wishes of local inhabitants are the primary considerations.**’
- 18 Therefore it seems that the key questions to determine in making this decision are:
- Is Oakwood Park a separate and distinctive community?
 - Is there a discernable feeling of local community there?
 - Are the wishes of local inhabitants (that is, in the suggested area of the new parish) clearly defined and do they represent the majority (or a significant number) of those people?
- 19 Only if the answer is ‘yes’ to each of these questions should a recommendation be made to create a new parish. To these questions should be added the question ‘will the establishment of a new parish lead to strong and effective parish administration and community representation’. Members should satisfy themselves that this will be the likely outcome of any proposal emerging from this review. This will involve making a judgement about whether there is sufficient enthusiasm to sustain a parish council both now and in the future.

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The Feeling of Local Community

- 20 Oakwood Park has now been established for some five years (although of course initially there were very few occupiers). One of the main difficulties in defining community feeling is the continued absence of community facilities. As a result of the 1998 planning agreement, community facilities, including sports pitches and play areas, must be ready for use by the occupation of the 501st dwelling. At present, it is estimated that somewhere in the region of 430 dwellings have been occupied.
- 21 Members should refer to Appendix 2 which gives further detail about feelings of community identity at Oakwood Park and it will be noted that the views of residents are mixed. However, given that there are no community facilities at Oakwood Park whatever, and it is a new community, it is perhaps significant that more than half of those occupiers who responded to the consultation say their primary identity lies with the Oakwood Park site.
- 22 It is encouraging therefore that a Residents Association has now been formed and has met on more than one occasion. Members of the Association (OPRA) have assisted on an unofficial basis with the second stage consultation and this has resulted in more responses being sent.
- 23 A meeting with representatives of OPRA and the two parish councils concerned took place on 18 April and the notes of that meeting are attached as Appendix 8. From the Council's point of view it is helpful to have a local organisation in place for discussion purposes although it cannot necessarily be assumed that OPRA is representative of local opinion.

The Naming of any New Parish

- 24 Once a decision in principle has been made as to the separation of Little Dunmow parish, consideration must be given to arrangements for the detailed implementation of that decision.
- 25 Oakwood Park has been accepted as the name of the new development since the beginning of construction. The name appears to have no local connection and was apparently conjured up by the development company. Oakwood Park is not part of the postal address of any of the properties there and effectively exists only as a collective term used colloquially and for marketing purposes.
- 26 The consultation was conducted on the basis that Oakwood Park would be the name of any new parish but very few people have responded directly to this suggestion. A few people have mentioned that Oakwood Park should be the name of the new parish and that it should be incorporated into the postal address.
- 27 OPRA has now consulted with local residents about the name of the new parish on the basis of the following suggestions:

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- Flitch Green – the famous Flitch Trials originally took place at Little Dunmow and still take place every few years in Great Dunmow. The Flitch Way runs a little to the north of the Oakwood Park site. There is a strong local connection with the name. A village green will eventually be provided.
- Oakwood Park – the unofficial ‘name’ of the development; see comments above.
- Tile End – this is a historic local name that appears on a number of Ordnance Survey maps.

28 The outcome of the OPRA consultation is that votes were given as follows:

- Flitch Green 102
- Oakwood Park 46
- Tile End 7
- No preference 6

29 The difficulty with these suggestions is the impossibility of establishing beyond reasonable doubt what degree of support they might enjoy, without embarking on a further process of consultation. Members must decide, on the evidence available, what the most suitable name should be. If there is not considered to be strong evidence that an alternative name is preferred by a substantial number of people, it is suggested that the name Oakwood Park should be adopted.

30 It must be remembered that no name other than Oakwood Park was included in the formal second stage consultation because, until the consultation was in progress, no other suggestions had been put forward. Even on OPRA’s own figures from their survey, only 22.5% of all residents expressed a preference and a little over 14% chose the most favoured option.

31 Section 75 of the Local Government Act 1972 allows a parish council to formally request the district council to enact a change of name of the parish by order. If it is not otherwise clear what the name should be, the simplest solution may be to allow a consensus to emerge after the new parish comes into existence at which stage the new council could request Uttlesford to make the relevant order.

32 It is likely that all postal addresses at Oakwood Park will change if a new parish comes into existence. This will follow appropriate consultation and will have to be handled carefully.

The Boundaries of the New Parish

33 The consultation was undertaken on the basis that the proposed boundary follows exactly the development limits of Oakwood Park (that is, on the basis of the original planning permission). A suggested boundary line is illustrated on the map marked Appendix 9.

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- 34 The suggested boundary can be described in the following terms. The northern boundary would run along the edge of Oakwood Park immediately to the south of Gypsy Lane. The north-eastern boundary would run along Station Road to the point where it is crossed by Stebbing Brook; it would then follow the line of the Brook along the south-eastern boundary; and the River Chelmer would then form the southern boundary (this is also the boundary with Chelmsford Borough at this point). The western boundary would then follow the development limits of Oakwood Park.
- 35 For the purposes of this report, no account has been taken of the refused application to extend housing and locate resited playing fields south-east of Stebbing Brook.
- 36 An alternative boundary suggested by one respondent would include Gypsy Lane, Station House and Priory Lodge. However, those residents who have responded to the consultation from these properties have all stated their community loyalties lie with Little Dunmow. This report has therefore discounted the possibility of adopting this suggestion.
- 37 One other possibility has been raised. That is to incorporate within the new parish boundaries the area of the proposed nature reserve south-east of Stebbing Brook. This area should not be confused with the adjacent land the subject of the failed application mentioned in paragraph 35.
- 38 A letter was received from Liz Bennett of OPRA dated 19 April, raising the subject of the nature reserve land as a possible discrepancy and asking for clarification. Officers have checked the terms of the 1998 planning agreement so that Members can decide whether the existence of the site is a material factor in determining the parish boundary.
- 39 The agreement dated 25 February 1998 states that the community hall and associated facilities have to be provided by the 501st occupation. A member of the building surveying section has estimated that approximately 427 dwellings are now occupied. The facilities to be provided are:
- A multi-purpose community hall.
 - A village car park.
 - Sports pitches.
 - Locally equipped and neighbourhood areas for play.
- 40 Open space and landscaping areas must also be laid out ready for use by the times specified in the agreement. The agreement also provides for 'at least 9.8 acres south of Stebbing Brook and east of the River Chelmer to be maintained as nature reserve' within the area indicated on the plan annexed.
- 41 The land concerned is included within the parish of Felsted. Accordingly Felsted Parish Council has been asked to comment upon the proposal.
- 42 It must be said that the area of the proposed new parish would make it, if agreed, geographically by far the smallest parish anywhere in Uttlesford. That does not invalidate the exercise as the whole purpose of this review is to

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- identify and reflect community identities. In parish terms, a community can represent anywhere from a handful of residents (as at Strethall for example with 24 electors) to many thousands (as in Saffron Walden), and beyond.
- 43 The new parish of Oakwood Park (or, whatever is the agreed name) will initially represent some 750 electors. Although geographically small, this would make the new parish larger in population terms than at least 39 parishes in Uttlesford. Of course the population will continue to grow to the point where there may be at least 1350 electors.
- 44 Until now no consideration has been given to any boundary other than the one indicated on the plan attached as appendix 9. However, it must be said that there may be a certain logic to incorporating the nature reserve land as this was part of the approved planning application and subject to the control of the planning agreement (and therefore legally part of the development site). The land concerned is identified on the map attached as appendix 9.
- 45 It is understood that the site is now landscaped and is owned and maintained by the Essex Wildlife Trust. The land is accessible by foot/cycle from Oakwood Park.
- 46 Equally, it could be argued that the nature reserve is accessible to residents of Felsted and other villages and there will no maintenance costs or management responsibilities incumbent upon whichever parish council is concerned. The incorporation of part of Felsted in the new parish would complicate the arrangements for the new parish as the consent of Felsted Parish Council would need to be sought (although it would not be a pre-condition for the proposal to proceed).
- 47 The most important factor in determining the boundaries for the new parish is that the boundary must reflect, as far as possible, community identification. Circular 11/97 says that 'The boundaries between parishes need to 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.'
- 48 In terms of defining the boundary that most closely meets these criteria, it seems to make little difference whether the agreed boundary either includes, or excludes, the nature reserve. The shape of the boundary does not matter as long as it complies with the mapping requirements set out in paragraph 47. However, one potential anomaly exists as the map submitted by OPRA (see the end of appendix 8) differs significantly from the map defining the nature reserve site in the planning agreement. If it were decided to incorporate this area into the new parish, the boundary would have to be defined very carefully.
- 49 Members are asked to make a judgement on the most appropriate boundary bearing in mind the circumstances set out in this report.

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Electoral Arrangements

- 50 The Parish Review process requires the Council to consult upon and submit an appropriate scheme of electoral arrangements together with any proposal for a new parish. This provision applies to any parish whose boundaries are revised as a result of any proposals.
- 51 The electoral scheme will be submitted to the Boundary Committee which is part of the Electoral Commission. Thus, two separate orders will be made, one by the Secretary of State establishing the new parish, and one by the Electoral Commission providing for electoral arrangements in all affected parishes. A third order must be made by UDC setting up the new parish council.
- 52 The second stage consultation has been conducted upon the basis of nine councillors at Oakwood Park and a continuation of seven councillors in Little Dunmow.
- 53 Very few respondents have commented upon this aspect although two or three people have suggested that the existing parish should continue with a division into two wards. This was one of the options presented at the Little Dunmow parish assembly in 2005 when the proposal for a separate parish was first made.
- 54 If it is decided not to proceed with the proposal to form a new parish, the advice to members would be to split Little Dunmow into two separate wards consisting of the Village on the one hand, and Oakwood Park on the other. The electoral scheme would have to reflect the balance of the electorate and be broadly proportional. A tentative suggestion at this stage would be to allow for eight councillors at Oakwood Park and for three in the Village. In time, I feel that the scheme would have to tilt more towards additional councillors at Oakwood Park as the population continues to increase.
- 55 It is not necessary, at this stage, to agree an electoral scheme in these circumstances as a report on parish electoral arrangements will be submitted to committee in September.
- 56 On the assumption that the proposal does proceed, there are a number of options to consider. These are included below following a brief resume of some of the considerations involved.
- 57 One difficulty is that the timing of the creation of the new parish is not in our hands. It is extremely unlikely that any proposal to create a new parish will be agreed in time for it to begin to operate from the ordinary election date of 3 May 2007. That being so it is considered expedient to have contingency plans in place to elect parish councillors for the existing parish.
- 58 Clearly, any such arrangements must take account of the increase in electorate in the parish as a whole and the existence of a significant body of electors at Oakwood Park in particular. There appear to be two possible options. The first would be to increase the number of parish councillors to a suitable number bearing in mind the number of electors in the parish. The

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second option is to introduce a warding scheme granting separate representation to Oakwood Park. As this would have to be broadly proportional the existing parish council may be reluctant to support this option.

- 59 There are presently 962 electors in Little Dunmow and it is likely that this number will rise to a figure in the region of 1100 by the time of next year's election. It is therefore suggested that Members agree to an increase to 11 parish councillors for the period from 3 May 2007 until such time as an election can be held to elect the new parish council. At that time, an order would be made readjusting the number of parish councillors in the altered parish of Little Dunmow back to seven, or whatever number is agreed. A further election of parish councillors in Little Dunmow would then be required.
- 60 This change would have to be accompanied by a strong and concerted effort to recruit at least four parish councillors from the Oakwood Park portion of the parish. They would then be able to form the core of a new parish council (although of course this would be subject to the normal processes of parish councillor recruitment). Such an arrangement would permit an element of 'shadowing' to take place so that potential parish councillors would be able to obtain some of the necessary experience in parish administration although this may not prove feasible.
- 61 Members are asked to decide suitable arrangements in the light of the information above.

Electorate Forecasts

- 62 When submitting proposals to the Electoral Commission, the Council must submit five-year electoral forecasts of areas that will be affected by revised electoral arrangements. In this case, both the new parish and the existing parish would be affected. If the proposal recommended the incorporation of part of Felsted parish it would include that parish also.
- 63 The provision of electorate forecasts has caused difficulties in the past but the task in this case seems quite straightforward. Arrangements will be made with planning officers to make the necessary forecast if the proposal is approved by the Panel.

Preparations for a New Parish Council

- 64 Arrangements must be made for the financing and administration of the new parish council. One option is to utilise the expertise of the Essex Association of Local Councils (EALC) to prepare a budget and put in place a suitable system of administration. Joy Sheppard of EALC has indicated she is willing to help although the precise arrangements would have to be agreed. Alternatively, Little Dunmow's parish clerk may be prepared to assist in this process.

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- 65 Whichever method is adopted, Uttlesford will have to formally agree the initial year's parish precept. The Area Panel's resolution should include a reference to the help of the EALC being formally requested, subject to more detailed discussion with officers, if that is what is required.
- 66 In the future, the new parish council is likely to become involved in discussions with UDC about the transfer of responsibility for managing and financing the community facilities outlined in paragraph 39. The planning agreement allows for the community hall etc to be either transferred or leased at no cost to the Council, or another company, authority or body approved by the Council. It is assumed that this 'body' will be the parish council of the area within which the hall is located.
- 67 The agreement does not contain any requirement for Enodis to contribute to hall maintenance, so there would need to be a commitment by the relevant parish council if it were to be passed on. This would apply equally to Little Dunmow in the event that a new parish is not created.

Options

- 65 The following options are presented for consideration:
- A. Assuming that Members consider there is enough evidence of public support and are convinced that Oakwood Park is a separate and distinct community, agree to recommend that a proposal be made to the Secretary of State accordingly; or
 - B. Conclude that there is not sufficient public support to proceed.
 - C. If option A is chosen, decide which of the following two courses of action should be followed in the interim period in relation to electoral arrangements:
 - 1) Increase the number of parish councillors in Little Dunmow to 11 (or another suitable figure).
 - 2) Agree to the temporary introduction of a warding scheme allowing for three councillors in the Little Dunmow Village ward and eight in the Oakwood Park ward (or an agreed alternative), the boundary between the wards to reflect exactly the areas of the proposed and revised parishes.
 - D. In the longer term, agree electoral arrangements for the new parish and the revised parish; nine parish councillors is suggested as an appropriate number for Oakwood Park and seven for Little Dunmow, without any division into wards.
 - E. Agree the name of the new parish from those options presented, e.g. Flich Green, Oakwood Park, or Tile End; if a clear preference cannot be established, select Oakwood Park and invite the new parish council to take an early decision on any agreed alternative.

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- F. Agree the boundaries of the new parish (either as suggested in this report, or an agreed alternative).
- G. Consider whether to invite the EALC to act on the Council's behalf in preparing the new parish council's initial budget and establishing an administrative structure.

Attachments to this report:

Appendix 1 Minutes of the meeting of the Parish Review Working Party on 9 May 2006

Appendix 2 – summary of responses received from Oakwood Park residents (including copies of those representations making specific comments).

Appendix 3 – summary of responses received from Little Dunmow village residents (including copies of those representations making specific comments).

Appendix 4 – record of responses received from Felsted residents (including copies of letters received).

Appendix 5 – overall summary of responses received – Little Dunmow parish residents.

Appendix 6 – summary of properties at Oakwood Park and estimate of those presently occupied.

Appendix 7 – Table showing the growth of the electorate in Little Dunmow parish.

Appendix 8 – Notes of a meeting held between interested parties on 18 April together with correspondence from OPRA.

Appendix 9 – Map showing the suggested extent of the new parish boundaries.

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Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
That current or agreed boundaries do not reflect local wishes	Low	High	Full consultation processes have been followed. The option of a further parish review, or review of electoral arrangements is always available if circumstances are justified.