

**Local Government
Boundary Commission
For England
Report No.531**

Principal Area Boundary Review

**DISTRICT OF MALDON
AND BRAINTREE**

LOCAL GOVERNMENT
BOUNDARY COMMISSION
FOR ENGLAND
REPORT NO. 531

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

CHAIRMAN Mr G J Ellerton CMG MBE

DEPUTY CHAIRMAN Mr J G Powell FRICS FSVA

MEMBERS Lady Ackner

Mr G R Prentice

Professor G E Cherry

Mr K J L Newell

Mr B Scholes OBE

THE RT. HON. NICHOLAS RIDLEY MP
SECRETARY OF STATE FOR THE ENVIRONMENT

PROPOSALS FOR CHANGES IN THE BOUNDARY OF THE DISTRICT OF MALDON WITH THE DISTRICT OF BRAINTREE

BACKGROUND

1. In the course of the parish review conducted by Maldon District Council a suggestion was made by Wickham Bishops Parish Council for the realignment of the district boundary with the parish of Witham and Braintree District. The suggested change would realign the boundary to the line of the River Blackwater and would result in the transfer of land containing 28 properties from Braintree District to Maldon District.

2. We decided to treat the recommendation, which was included in Maldon District Council's parish review report, as a request under section 48(5) of the Local Government Act 1972 for us to consider making proposals for the realignment of the boundary between the district of Maldon and the district of Braintree.

OUR DRAFT PROPOSALS

3. We noted from the consultation carried out during the course of Maldon District Council's parish review that both district councils and the two parish councils concerned were in favour of the change, and before considering whether to issue draft proposals we established that they remained of this view and that Essex County Council had no objection to the suggested change. Other correspondence received during the course of Maldon District Council's parish review suggested that the majority of the residents who would be affected by a change supported a transfer from Braintree District to Maldon District, and one private individual wrote to us direct expressing a similar view. We accordingly decided to publish

draft proposals based on Maldon District Council's suggestion revised to take account of a technical amendment put forward by the Ordnance Survey.

4. Our draft proposals were published on 22 July 1986 in a letter to the Councils of the two districts. Copies were sent to Essex County Council, the parish councils involved, the Members of Parliament for the constituencies concerned, the Essex Association of Local Councils, the Essex Area Health Authority, the Anglian Water Authority, the headquarters of the main political parties, editors of local newspapers circulating in the area, local radio and television stations serving in the area, and the local government press. In view of the small number of properties involved we decided to dispense with our normal practice of asking the district councils to arrange for the publication of a formal notice in the local press. Instead, copies of our letter were sent to the occupiers of the properties and we asked the local authorities to arrange for public notices to be placed on display at places where notices are customarily displayed and in particular to arrange for copies of the notice to be made available for display by Wickham Bishops Parish Council and Witham Town Council. As is our usual custom we asked the district councils to place copies of our letter and maps illustrating the proposals on deposit at their main offices. Comments were invited by 16 September 1986.

RESPONSE TO OUR DRAFT PROPOSALS

5. In response to our draft proposals we received comments from Essex County Council, Maldon District Council, Braintree District Council, Wickham Bishops Parish Council, Witham Town Council, the Mid Essex Health Authority, the Anglian Water Authority, Mr Tony Newton OBE MP, and two private individuals, one of whom forwarded a petition containing 23 signatures.

6. Essex County Council confirmed that they had no comments on the draft proposals. The Anglian Water Authority and Mid Essex Health Authority had no adverse comments.

Maldon District Council stated that the draft proposals would put right a quite absurd anomaly in the existing boundary and hoped that the change would be implemented in time for the local elections due to take place in May 1987.

Braintree District Council, Wickham Bishops Parish Council and Witham Town Council all supported the draft proposals, and also expressed the wish that there be early implementation of the proposal.

7. Occupants of the property known as Blue Mills wrote to oppose the draft proposals because they did not want the property to be transferred to Maldon. They pointed out that the property was a Grade II listed building which had historic ties with the town of Witham, and that their land would be split by the proposed boundary. The writers suggested that the revised boundary in the area could follow the line of 'Isham's Chase' and so leave 'Blue Mills' within Braintree District.

8. One private individual objected to the transfer of any part of the area concerned on the grounds that since the boundary had been in existence for many years there was no reason for it to be changed now. The reference to the occupiers of the properties being in agreement with the proposed change, as set out in our draft proposals letter, was stated to be mistaken. A petition signed by 23 residents affected forwarded with the comment, stated that the residents did not wish to be transferred to Maldon District "on financial grounds and the lack of amenities under Maldon District Council".

Tony Newton OBE MP supported the views of those who had signed the petition, and stated that, since this called into question the local support conveyed in our draft proposals letter, there was now no obvious reason for a change to be forced on people who would prefer things to remain as they are.

OUR FINAL PROPOSALS

9. We have reassessed our draft proposals in the light of all the representations we have received.

10. It appears that most of the residents now oppose the change, but we would like to make clear that when we formulated our draft proposals we understood that Wickham Bishops Parish Council had undertaken a canvass of residents, albeit some years ago, which had shown a high degree of local support for the transfer of the area. This view was supported by a letter to us from one resident expressing agreement to the change.

11. We have taken careful note of the view expressed by the signatories of the petition which was forwarded to us, which shows that 23 occupiers out of the 28 properties affected wish to remain within Witham Parish and Braintree District, and of the support for this view expressed by Mr Tony Newton OBE MP. The grounds for objection to the draft proposals, however, appear to be a fear that higher rates would be levied in Maldon district than in Braintree, and that there would be fewer amenities in Maldon. While these are matters of legitimate concern to the residents, they are not in themselves factors which we would necessarily consider relevant in deciding whether or not, in the interests of effective and convenient local government, to propose a boundary change. In any case there is at present very little difference in the rates levied in the two areas.

12. We certainly do not feel that the petition should outweigh the continued strong support for our draft proposals expressed by both District Councils and both Parish Councils involved. We consider it to be significant that the properties concerned form part of the village of Wickham Bishops - some indeed are close to the centre of that village. In our view, the River Blackwater forms a perceptible barrier between the two districts and together with the Witham by-pass effectively severs any links between the area encompassed by our draft proposals and the town of Witham. We feel that the change would lead to a simplification in the provision of services and hence, ultimately, ^{to} financial benefit to ratepayers in the authorities concerned.

13. We have carefully considered the suggestion that we revise our draft proposals so that the new boundary would follow the line of 'Isham's Chase', thereby leaving the property known as 'Blue Mills' in Witham Parish and Braintree District. We did not consider the fact that our proposed boundary would split the Blue Mills land between districts to be of overriding importance given that the actual Blue Mills property would not be thus split. Though we in general try to avoid splitting land holdings between authorities and though the alternative realignments put forward by the owners was not far removed from the one we have proposed, we remain of the view that the River Blackwater at that location would be a more sensible boundary. Furthermore, we have noted that the status of the property as a Grade II listed building would be unaltered if a change in the district boundary took place, and we do not think that any historical links the property has with the town of Witham override the fact that it is some distance from that community and is, like the other properties in the proposed transfer area, separated from it by the by-pass as well as by the River Blackwater.

14. In all the circumstances we have decided to confirm our draft proposals as our final proposals, as we are satisfied that they are apt for securing effective and convenient local government in the area. We hereby make our final proposals accordingly. Details of the proposals are set out in Schedules 1, 2 and 3 of this report. Schedule 1 specifies the proposed changes in local authority areas and Schedules 2 and 3 specify the consequential adjustments to the existing electoral arrangements. The proposed boundaries are illustrated on a large scale map which is being sent separately to your Department.

PUBLICATION

15. Separate letters are being sent with copies of the report to Maldon District Council and Braintree District Council asking them to place copies of this report on deposit at their main offices, and to put notices to this effect on public

notice boards and in the local press. The text of the notice will explain that the Commission have fulfilled their statutory role in the matter, and that it now falls to you to make an Order implementing the proposals, if you think fit, after the expiry of six weeks from the date they are submitted to you. Copies of this report, which includes a small scale map, are also being sent to those who received the consultation letter and to those who made comments.

LS

SIGNED: G J ELLERTON (Chairman)

 J G POWELL (Deputy Chairman)

 JOAN ACKNER

 G E CHERRY

 K J L NEWELL

 G R PRENTICE

 BRIAN SCHOLES

S T GARRISH
Secretary

6 November 1986

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

PRINCIPAL AREA REVIEW: **FINAL** PROPOSALS

DISTRICT OF MALDON/DISTRICT OF BRAINTREE

Note: Where a boundary is described as following a road, river, canal or similar feature, it should be understood to follow the centre line of that feature, unless otherwise stated.

SCHEDULE 1

Area A : description of an area proposed to be transferred from Witham CP in Braintree District to Wickham Bishops CP in Maldon District.

That area bounded by a line commencing at the point where the existing District Boundary meets the southern boundary of the coincident Witham Central Ward and Witham Northern ED Boundary in the River Blackwater; then generally southeastwards, southwestwards, northwestwards and southwestwards along that District Boundary to where it crosses the River Blackwater; then northeastwards along that river to the point where it divides just north of Blue Mills Bridge; then northeastwards along the western channel of that river to the point where it rejoins the main course of the River Blackwater; then generally northeastwards and northwestwards along that river to the point where it meets the southern boundary of the coincident Witham Central Ward and Witham Northern ED Boundary; then northwards along that ED & Ward Boundary to the point of commencement.

SCHEDULE 2

Revised District electoral arrangements, consequent upon the proposals described in Schedule 1.

It is proposed that the District Wards, as defined in the District of Maldon (Electoral Arrangements) Order 1976 and the District of Braintree (Electoral Arrangements) Order 1978, shall be altered as described below.

Area A, as described in Schedule 1, shall be transferred from the Witham South Ward of the District of Braintree, to the Wickham Bishops Ward in the District of Maldon.

SCHEDULE 3

Revised county electoral arrangements, consequent upon the proposals described in Schedule 1.

It is proposed that the County Electoral Divisions, as defined in the County of Essex (Electoral Arrangements) Order 1981, shall be altered as described below.

Area A, as described in Schedule 1, shall be transferred from the Witham Southern ED to the Tollesbury ED.

PRINCIPAL AREA REVIEW

LOCAL GOVERNMENT BOUNDARY COMMISSION
FOR ENGLAND
FINAL PROPOSAL



