

**LOCAL GOVERNMENT  
BOUNDARY COMMISSION  
FOR ENGLAND**

**REVIEW OF  
NON-METROPOLITAN COUNTIES**

**COUNTY OF DERBYSHIRE  
FURTHER REVIEW OF THE BOUNDARY  
WITH NOTTINGHAMSHIRE IN THE VICINITY  
OF WHALEY THORNS**

**REPORT NO. 674**

LOCAL GOVERNMENT

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LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

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SECRETARY OF STATE FOR THE ENVIRONMENT

REVIEW OF NON-METROPOLITAN COUNTIES

FURTHER REVIEW OF THE COUNTY BOUNDARY BETWEEN DERBYSHIRE AND  
NOTTINGHAMSHIRE IN THE VICINITY OF WHALEY THORNS

COMMISSION'S FINAL REPORT

INTRODUCTION

1. On 2 September 1986, as part of our mandatory cycle of reviews of non-metropolitan county boundaries, we commenced a review of the County of Derbyshire and its boundary with Nottinghamshire, in accordance with Section 48(1) of the Local Government Act 1972. Our recommendations in respect of the review were contained in Report no. 599 which was submitted to your predecessor on 27 February 1991.

2. In a letter dated 3 April 1992, we were directed by the Secretary of State to conduct a further review of the boundary between Derbyshire and Nottinghamshire, in the vicinity of Whaley Thorns and to report to you with our conclusions by 30 September 1992.

3. The direction followed representations received by the Secretary of State from Derbyshire County Council and Bolsover District Council in response to our Report no. 599. Both authorities had drawn attention to our proposal to transfer properties in Cockshut Lane and Portland Road (in the vicinity of Whaley Thorns/Nether Langwith) from Nottinghamshire to Derbyshire but to exclude from the transfer a butcher's shop in Cockshut Lane. Nottinghamshire County Council had made representations to us during the course of our review on the basis that the proposed transfer would not reflect the wishes of local residents. The Secretary of State also noted that our

recommendations in respect of the northern end of Cockshut Lane would have the effect of cutting access to the property remaining in Nottinghamshire on the opposite side of the road.

#### ANNOUNCEMENT OF THE START OF THE FURTHER REVIEW

4. We announced the start of the further review on 24 April 1992, in letters addressed to the County Councils of Derbyshire and Nottinghamshire. A copy of the letter was also sent to the District Councils of Bassetlaw and Bolsover, the Parish Councils of Scarcliffe and Nether Langwith, Mr Dennis Skinner MP (Bolsover), Mr Joe Ashton MP (Bassetlaw), the headquarters of the main political parties, the local government press, the National and County Associations of Local Councils, local TV and radio stations, the police, fire and emergency services, Derbyshire and Nottinghamshire Family Practitioner Committees, Trent Regional Health Authority, East Midlands Gas and Electricity and to the Severn-Trent and North West Water. In addition, individual letters were sent to all known households in Cockshut Lane and Portland Road, including the butcher's shop. Comments were invited by 3 June 1992.

#### THE SUBMISSIONS MADE TO US

5. In response to our letter of 24 April 1992, we received representations from Nottinghamshire County Council, Bolsover and Bassetlaw District Councils, Nether Langwith and Scarcliffe Parish Councils, Councillor M Stokes, Nottinghamshire Family Health Services Authority, Derbyshire Chief Fire Officer, 56 residents of Portland Road in the form of a petition, and three residents of Portland Road who wrote individually as well as signing the petition.

## ANNOUNCEMENT OF OUR DRAFT PROPOSAL

6. The letter announcing our draft proposal was published on 3 July 1992. Copies were sent to the local authorities concerned, to the recipients of our letter of 24 April and to all those who had made representations to us. The County Councils of Derbyshire and Nottinghamshire, and the District Councils of Bassetlaw and Bolsover were asked to publish a notice giving details of our proposals, and to post copies of it at places where public notices are customarily displayed. They were also asked to place copies of our letter on deposit for inspection at their main offices for six weeks. Comments were invited by 31 July 1992.

## RESPONSE TO OUR DRAFT PROPOSAL

7. In response to our draft proposal we received representations from Nottinghamshire County Council, Bassetlaw and Bolsover District Councils, Nether Langwith Parish Council, The Nottinghamshire Association of Local Councils, the Nottinghamshire Family Health Services Authority and three members of the public.

8. As required by Section 60 (2) of the Local Government Act 1972, we have carefully considered the representations made to us at each stage of the further review and set out below our final proposals.

### Draft Proposal

9. Nottinghamshire County Council supported our earlier proposal to realign a small section of undefined boundary in the vicinity of French Terrace and the transfer into Derbyshire of the recreation ground and cemetery west of Cockshut Lane. However, it said that the Nottinghamshire authorities had no difficulty in providing services to Portland Road. It considered that the majority wish of residents should be the determining factor as

to whether these properties should be transferred into Derbyshire and it had been the constant majority wish of residents to stay in Nottinghamshire. The County Council added that, if the residents now wished to transfer to Derbyshire, the butcher's shop and the property opposite the cemetery should be included in the transfer.

10. Bolsover District Council considered that our original recommendation to exclude the butcher's shop from the proposed transfer of Portland Road from Nottinghamshire to Derbyshire was anomalous and suggested realigning the proposed boundary around the rear of the shop.

11. Bassetlaw District Council commented that, although there might be some logic in uniting within one authority properties on opposite sides of a highway, in this area such a proposal would neither reflect true community allegiances nor the wishes of local residents. Bassetlaw considered that residents on the Nottinghamshire side of Cockshut Lane/Portland Road had traditional links with Nether Langwith and did not have any affinity with Whaley Thorns on the opposite side of the road. If it was decided to transfer the area, however, Bassetlaw considered that the butcher's shop should be included in the transfer.

12. Bassetlaw also pointed out that our proposal to realign the boundary southwards along Cockshut Lane would cut access to a residential property known as "The Bungalow" and suggested an alternative boundary aligned to the western side of Cockshut Lane. The Council was strongly opposed to any proposal which would realign the boundary into the fields which lie east of Cockshut Lane.

13. Nether Langwith Parish Council opposed our proposal to transfer Portland Road from Nottinghamshire to Derbyshire and argued that a referendum, carried out among the residents of Portland Road during the original review, demonstrated the

residents' opposition to a transfer. It stated that the transfer of Portland Road's 32 properties would have no beneficial effect on effective local government in the area, and that the local residents considered that they received better services from Bassetlaw and Nottinghamshire than residents of Whaley Thorns received from Bolsover and Derbyshire.

14. The Parish Council considered that the local residents looked mainly towards Nottinghamshire for their shopping and business needs, and that Derbyshire County Council's offices, situated in Chesterfield, Matlock and Derby, were remote and inaccessible to Langwith residents. It suggested an alternative realignment of the boundary and urged us not to endorse our earlier recommendation without first holding a local public enquiry to gauge the strength of local residents' feelings.

15. Scarcliffe Parish Council considered that, in addition to our proposals set out in Report no. 599, the Portland Road butcher's shop and the residential property opposite the cemetery in Cockshut Lane should be transferred from Nottinghamshire to Derbyshire.

16. Councillor M Stokes, of Bassetlaw District Council, opposed our proposal to transfer Portland Road from Nottinghamshire to Derbyshire, arguing that it would not reflect the wishes of the local residents or accord with local historical ties. She pointed out that the properties in Portland Road were built before those in Whaley Thorns and that there was no community of interest between the two areas. She also considered that, if the transfer went ahead, the local residents would find access to centres of administration very difficult.

17. Nottinghamshire Family Health Services Authority said that the proposed transfer would have no significant effect on Family Health services in Nottinghamshire. Similarly, the Derbyshire Chief Fire Officer considered that the transfer would present no problems to operational or force safety procedures.

18. 56 residents of Portland Road submitted a petition opposing our proposal which would transfer them from Nottinghamshire to Derbyshire. Three of these residents also wrote individual letters to us.

19. We carefully considered all the responses to our letter of 24 April 1992 and noted in particular the continuing opposition of the residents of Portland Road to a transfer from Nottinghamshire to Derbyshire. We recalled the suggestion by both Nottinghamshire and Bassetlaw at the initial stage of the earlier review to transfer Portland Road, together with an area to the north consisting of the recreation ground and cemetery, to Whaley Thorns in Derbyshire on the grounds of the affinity between these two areas.

20. Although, following residents' objections, these two authorities withdrew their support for this suggestion, we remained firmly of the view that Portland Road is much more closely linked to the adjacent area of Whaley Thorns, than to Nether Langwith from which it is well separated. We considered that the buildings are, in the main, similar and, whilst the residents have said that they have close links with Nether Langwith and Bassetlaw, we concluded that, for the purposes of forming an appropriate county boundary, Portland Road and the area immediately to the north effectively forms part of Whaley Thorns. We did not consider that a local inquiry would add to the information that was already available.

21. We were not persuaded to adopt Bassetlaw's suggestion that the boundary should be realigned to the western side of Cockshut Lane opposite the bungalow, since to do so would cut access from the main road to the graveyard in Derbyshire at that point.

22. We therefore decided to issue a draft proposal to transfer Portland Road including the butcher's shop and its associated buildings to Whaley Thorns in Derbyshire. We included in our proposal the transfer of the cemetery and recreation ground

opposite Cockshut Lane, and a minor realignment of the boundary at French Terrace. We decided, however, to propose that the bungalow opposite the cemetery in Cockshut Lane should remain in Nottinghamshire.

### Final Proposal

23. Nottinghamshire County Council opposed our draft proposal, arguing that the Nottinghamshire authorities had no difficulty in providing services to Portland Road. It commented on the view expressed by local residents that Nottinghamshire services were more frequent and of a higher quality than those provided by the Derbyshire authorities. The Council said that local residents had a greater community of interest with Nether Langwith, and stated that residents on the Derbyshire side of Cockshut Lane/Portland Road agreed with this view.

24. Bassetlaw District Council opposed our draft proposal to transfer Portland Road from Nottinghamshire to Derbyshire, arguing that, while the proposal might appear logical from a distance, it was contrary to the wishes of the local residents whose views, the Council believed, should be paramount. Bassetlaw welcomed our proposal for the boundary in the vicinity of the cemetery and the property known as "The Bungalow".

25. Bolsover District Council supported our draft proposal.

26. Nether Langwith Parish Council said that it had again consulted local residents who remained totally opposed to our draft proposal, arguing that it was not in the interests of effective and convenient local government, and was undemocratic. It re-submitted its representation, originally forwarded in 1987, in which it had set out a detailed case opposing Derbyshire County Council's proposals for transferring parts of Nether Langwith from Nottinghamshire to Derbyshire. It said that its arguments, which we appeared to have accepted at that time, applied equally to Portland Road. It referred in particular to

the importance to local commerce of the proposed re-opening of the passenger railway link between Langwith, Worksop, Mansfield and Nottingham. The Parish Council suggested that this railway link would further strengthen ties between the whole of Langwith and Nottinghamshire.

27. Nether Langwith said that it did not see how effective local government would be improved by the transfer of Portland Road to Derbyshire when vehicles providing services to the rest of Langwith would still have to pass along Portland Road. It reaffirmed its view that the area had greater affinity with Nottinghamshire than with Derbyshire and argued that it was the result of a "geographical accident" that Portland Road was next to Whaley Thorns.

28. The Parish Council stated that our refusal to hold a public meeting had caused resentment amongst local residents, many of whom are elderly and feel they would suffer as a result of losing existing social services, with which there were currently well established and convenient public transport links. Without the current level of public transport, the council considered that local residents would be disadvantaged, as most of them had no other means of transport.

29. Nether Langwith suggested that it was premature to propose the transfer at a time when a review of local government structure in Derbyshire was imminent. It concluded by comparing Portland Road's situation with other similar areas of urban development straddling the County border where, it claimed, we had made no proposals for change.

30. The Nottinghamshire Association of Local Councils supported Nether Langwith Parish Council's submission, arguing that the wishes of the local people should be the most important factor in determining the boundary. The Association commented that long term resentment locally could result following the implementation of changes which did not accord with the wishes of local people.

31. Nottinghamshire Family Health Services Authority indicated that it had no further comments to make on our draft proposals.

32. One resident of Portland Road opposed our draft proposal on the grounds that it would adversely affect the services and support her sick husband receives from the Nottinghamshire local authorities.

33. Two other residents of Portland Road wrote to us expressing their opposition to our draft proposal, which they felt did not take into account the views of the local residents. Both residents expressed their satisfaction with the services currently provided by the Bassetlaw District Council and Nottinghamshire County Council, and one of them pointed out that the houses in Portland Road are nearly 100 years old and very much a part of Nether Langwith.

34. Although the residents of Portland Road and the Nottinghamshire local authorities continue to be strongly opposed to the area's transfer from Nottinghamshire to Derbyshire, we considered that we had received no new evidence to change our view that Portland Road is distinctly separate from Nether Langwith and that it is much more closely linked to the adjacent area of Whaley Thorns. Furthermore, we received no evidence to suggest that Derbyshire's provision of services to the area would be unsatisfactory. We were also conscious that we were seeking a strong county, as well as a district, boundary. The possibility of changes to the Derbyshire/ Nottinghamshire boundary in the context of a future review of local government structure in Derbyshire lies outside the scope of this decision.

35. We have therefore decided to confirm, as final, our draft proposal to transfer Portland Road, including the butcher's shop and its associated buildings, to Whaley Thorns in Derbyshire. We include in the transfer the cemetery and recreation ground opposite Cockshut Lane, and propose a minor realignment of the

boundary at French Terrace. We have decided, however, to propose that the bungalow opposite the cemetery in Cockshut Lane should remain in Nottinghamshire.

#### ELECTORAL CONSEQUENCES, ANNEXES AND MAPS

36. The map at Annex A to this report illustrates the proposed new boundary, and the schedule at Annex B explains the consequential changes to borough, county and district electoral arrangements.

#### CONCLUSIONS

37. We believe that our final proposal is in the interests of effective and convenient local government, and we commend it to you.

#### PUBLICATION

38. A separate letter is being sent to the County Councils of Derbyshire and Nottinghamshire and the District Councils of Bassetlaw and Bolsover, asking them to deposit copies of this report at their main offices for inspection for a period of six months. They are also being asked to put notices to that effect on public notice boards. Arrangements have been made for similar notices to be inserted in the local press. The text of the notice will explain that the Commission has fulfilled its statutory role in this matter and that it now falls to you to make an Order implementing the proposals, if you think fit, though not earlier than six weeks from the date our final proposals are submitted to you. Copies of this report, with the map attached at Annex A illustrating the proposed changes, are being sent to all those who received our letter of 3 July 1992, and to those who subsequently made written representations to us.

Signed:

K F J ENNALS (Chairman)

G R PRENTICE

HELEN SARKANY

C W SMITH

PROFESSOR K YOUNG

R D COMPTON

Secretary to the Commission

August 1992

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

FURTHER REVIEW OF THE BOUNDARY BETWEEN

DERBYSHIRE/NOTTINGHAMSHIRE

IN THE VICINITY OF WHALEY THORNS

FINAL PROPOSALS

Existing County Boundary	—————
Proposed County Boundary	- - - - -

Produced by Ordnance Survey for the  
Local Government Boundary Commission for England

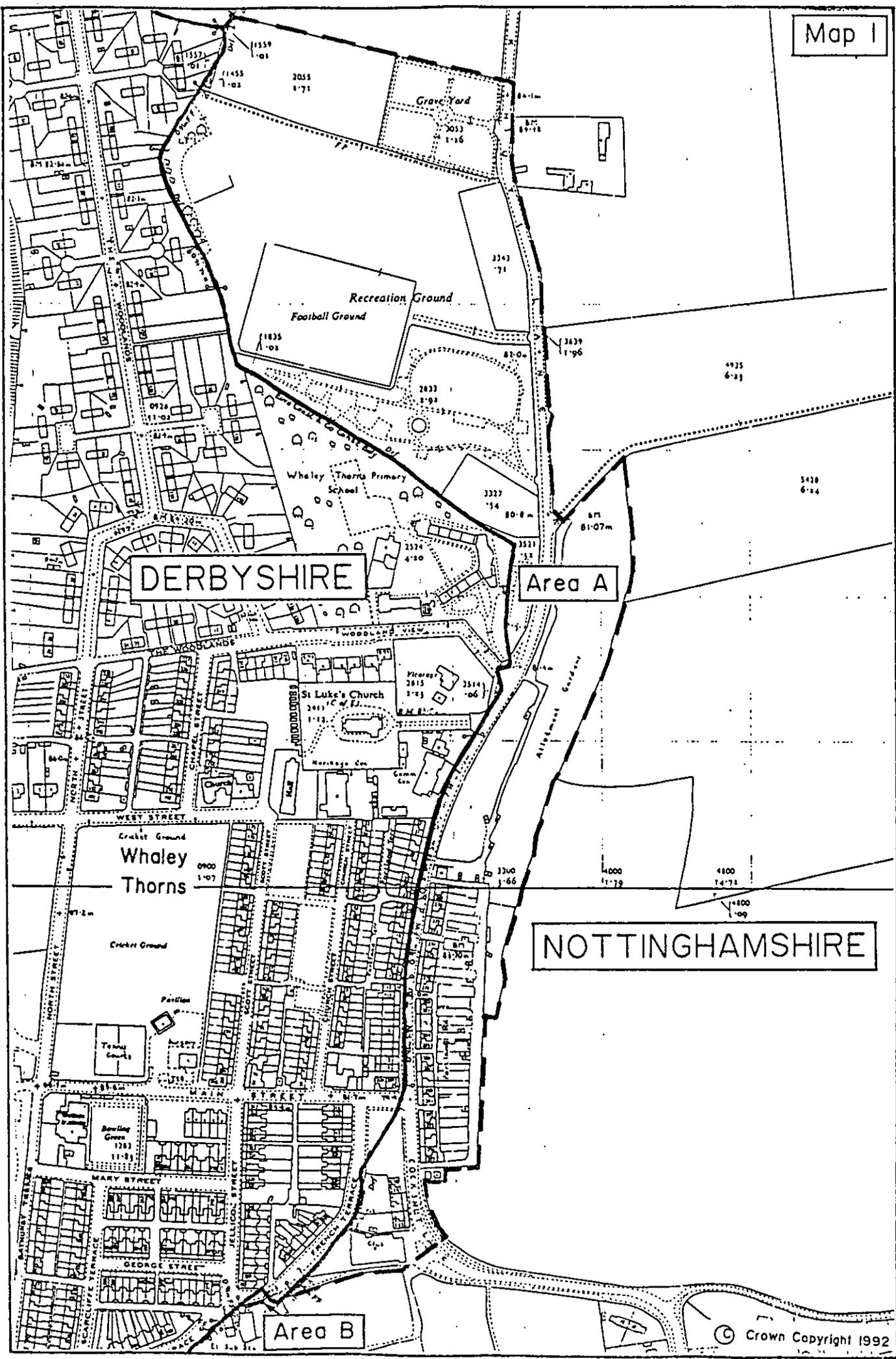
LOCATION DIAGRAM

DERBYSHIRE



Map 1

NOTTINGHAMSHIRE



DERBYSHIRE

Area A

NOTTINGHAMSHIRE

Area B

CONSEQUENTIAL CHANGES			
MAP NO.	AREA REF.	FROM	TO
1	A B	Nottinghamshire Bassetlaw District Nether Langwith CP Welbeck Ward Worksop South East and Welbeck ED	Derbyshire Bolsover District Scarcliffe CP Scarcliffe North Ward Scarcliffe ED