

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR WALES



Comisiwn Ffiniau
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i Gymru



Local Government
Boundary Commission
for Wales

**REVIEW OF PART OF THE BOUNDARY
BETWEEN THE COUNTY OF POWYS AND THE
COUNTY BOROUGH OF MERTHYR TYDFIL IN
THE AREA OF PONTSTICILL**

REPORT AND PROPOSALS

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REPORT AND PROPOSALS

1. INTRODUCTION
2. EXECUTIVE SUMMARY
3. SCOPE AND OBJECT OF THE REVIEW
4. DRAFT PROPOSALS
5. SUMMARY OF REPRESENTATIONS RECEIVED IN RESPONSE TO THE DRAFT PROPOSALS
6. ASSESSMENT
7. PROPOSALS
8. CONSEQUENTIAL ARRANGEMENTS
9. ACKNOWLEDGEMENTS
10. RESPONSES TO THIS REPORT

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REVIEW OF PART OF THE BOUNDARY BETWEEN THE COUNTY OF POWYS AND THE COUNTY BOROUGH OF MERTHYR TYDFIL IN THE AREA OF PONTSTICILL

REPORT AND PROPOSALS

1. INTRODUCTION

- 1.1 We the Local Government Boundary Commission for Wales (the Commission) have completed the review of County of Powys and the County Borough of Merthyr Tydfil in the area of Pontsticill as required by the Local Government Act 1972 as amended, ("the Act").

2. EXECUTIVE SUMMARY

- 2.1 We propose a change be made to the boundary between the County of Powys and the County Borough of Merthyr Tydfil in the area of Pontsticill as illustrated on the map at Appendix B.

3. SCOPE AND OBJECT OF THE REVIEW

- 3.1 Section 54(1) of the Act provides that the Commission may in consequence of a review conducted by them make proposals to the Welsh Assembly Government for effecting changes appearing to the Commission desirable in the interests of effective and convenient local government.

Procedure

- 3.2 Section 60 of the Act lays down procedural guidelines, which are to be followed in carrying out a review. In line with that guidance, we wrote on 19 July 2007 to the County of Powys and the County Borough of Merthyr Tydfil, Talybont-on-Usk Community Council, the Members of Parliament for the local constituencies, the Assembly Members for the area, the local authority associations, the police authority for the area and political parties to inform them of our intention to conduct the review and to request their preliminary views. We invited the County of Powys and the County Borough of Merthyr Councils to submit suggestions for changes to the boundary. We also publicised our intention to conduct the review in local newspapers circulating in the area and asked the councils to display a number of public notices.

4. DRAFT PROPOSALS

- 4.1 In response to our initial invitation, we received representations from Merthyr Tydfil County Borough Council, Powys County Council, The Lieutenancy of the County of Mid Glamorgan, Brecon Beacons National Park Authority, Dyfed-Powys Police Authority, The Brecon Mountain Railway Company and four residents. These representations were taken into consideration and summarised in our Draft Proposals published on 10 January 2008.
- 4.2 We considered the change to the boundary suggested by Powys County Council and the alternative proposal made by Merthyr Tydfil County Borough Council and all of the representations we received.
- 4.3 In our Draft Proposals report we noted that both Powys County Council and Merthyr Tydfil County Borough Council supported a change to the boundary that would transfer to Merthyr Tydfil the area suggested by Powys County Council (although Merthyr Tydfil County Borough Council suggested an additional area to be transferred). The principle of changing the boundary in this area was supported by Talybont-on-Usk Community Council, The Lieutenancy of the County of Mid Glamorgan, Brecon Beacons National Park Authority and Dyfed-Powys Police Authority. We noted however that the Brecon Mountain Railway Company and some of the residents of the area had a number of concerns about changing the boundary. Some of the concerns were in respect of the change from one county to another and other concerns were specific to the particular boundary being suggested.
- 4.4 Some of the issues raised in the initial representations were in respect of agricultural land holdings being split over two principal council areas. Although we were aware from other reviews of farms crossing county (and community) boundaries, we had not previously received representations from a landowner in respect of such perceived consequences. In order that we could give our full consideration to the issues raised in the representations, we contacted the Rural Affairs Directorate of the Welsh Assembly Government (WAG) and the Land Registry for information. Our understanding is that a County Parish Holding (CPH) is a reference number allocated to holdings for government / agricultural purposes. Land falling into 2 different parishes would have no impact as WAG use the CPH number purely as an identifier based on where the main farmhouse and buildings are located. If these were to be changed to be within another parish (community) then the CPH would be amended. The CPH is used for animal movement purposes but WAG Divisions are responsible for creating and informing other departments of the correct number. Having regard to the purpose and practice associated with CPH, we are assured that a change in the boundary as proposed would not have the effect of assigning two CPH numbers to a single property.
- 4.5 In respect of the registration of land and property we were informed by the Land Registry that changes to local government administrative areas, both in name and area, do not affect the legal ownership of land/property, as there is no change in the extent of the land, be it registered or unregistered. When such changes occur the Land Registry are able to update their records electronically. Such changes are not

required to be communicated to the registered owner as the change has not altered their legal ownership.

- 4.6 The residents were concerned about the likely increase in council tax charges as a result of the change. We noted that the current base council tax rates are higher in Merthyr Tydfil than they are in Powys, although this would be partially offset by the fact that the residents of Powys currently pay an additional precept for Talybont-on-Usk Community Council whereas under the proposed change they would be in the Vaynor Community area that currently does not have a community council. We consider however that, as a matter of policy, differentials in Council Tax should not normally carry much if any weight for the Commission in determining the boundary between two principal council areas
- 4.7 In our Draft Proposals report we were of the view that a change to the boundary to include, as a minimum, the area suggested by Powys County Council appeared to us to be desirable in the interests of effective and convenient local government for the reason given by Powys County Council, that it is not in the interests of effective and convenient local government for a settlement such as Pontsticill to be partitioned in this way. We noted Merthyr Tydfil County Borough Council's extension of this suggestion to include a substantially larger area within their boundaries. In their representation Merthyr Tydfil County Borough Council considered that their alternative boundary would have the benefit of including the Dolygaer Outdoor Pursuits Centre, owned by the Council, within their area. We noted however that it was not unusual for local authorities to have interests in such facilities outside their own areas. We considered that, although there might be benefits for Merthyr Tydfil County Borough Council for their Outdoor Pursuits Centre to be within their council area, this in itself did not merit the substantial boundary change they had suggested.
- 4.8 We considered the concerns expressed by the residents and by the Brecon Mountain Railway Company regarding the appropriateness of the suggested boundary in some areas. We noted these concerns and made site visits to the area to inspect the boundary suggested by Powys County Council (and the further amendment suggested by Merthyr Tydfil County Borough Council). We were of the view that, in parts, the suggested boundaries do not follow identifiable geographic features and as such would not provide appropriate county boundaries.
- 4.9 We studied detailed maps of the area and made a further site visit and proposed an alternative boundary which, although not as extensive as the Merthyr County Borough Council's proposal, did include the area within the boundary proposed by Powys County Council. We considered using part of the existing boundary between the Communities of Llangynidr and Talybont-on-Usk. This boundary follows a public footpath that is at the base of the Cefn yr Ystrad escarpment. We noted on our site visit however that there were a number of tracks made by what appeared to be motorised vehicles and in places this has made the course of the footpath difficult to identify. Further down from the community boundary towards the reservoir, we found there was a substantial dry-stone wall running virtually unbroken from the existing county boundary northwards until it meets the stream that flows from Cwm Criban into the reservoir. We noted that this stone wall also marks the division between the area of moorland and the area of fields. We have

therefore utilised the stone wall and the stream to form a boundary which we consider follows identifiable geographic features and would provide an appropriate county boundary.

- 4.10 In our Draft Proposals report we noted that the adoption of our proposed county boundary would result in part of the area of Talybont-on-Usk Community forming a narrow salient of uninhabited land down to the southerly boundary with Merthyr Tydfil. Given the problems in identifying the southern end of the boundary between the Communities of Talybont-on-Usk and Llangynidr (noted at 4.9 above) we proposed an amendment to the boundary that utilised the stream flowing from Cwm Criban. The proposed amendment to the community boundary is shown on the map at Appendix B.
- 4.11 Our Draft Proposals therefore recommended that a change be made to the boundary between the County of Powys and the County Borough of Merthyr Tydfil in the area of Pontsticill.
- 4.12 Copies of the Draft Proposals were sent to all the councils, bodies and individuals referred to in paragraph 3.2 seeking their views. A copy was also sent to anyone who had submitted preliminary comments. By public notice we also invited any other organisation or person with an interest in the review to submit their views. Copies of the Draft Proposals were made available for inspection at the offices of Merthyr Tydfil County Borough Council and Powys County Council.

5. SUMMARY OF REPRESENTATIONS RECEIVED IN RESPONSE TO THE DRAFT PROPOSALS

- 5.1 In response to our Draft Proposals report we received representations from Merthyr Tydfil County Borough Council, Powys County Council, The Lieutenancy of the County of Mid Glamorgan and Dyfed-Powys Police Authority. We considered all of these representations carefully before we formulated our proposals. A summary of these representations can be found at Appendix A.

6. ASSESSMENT

- 6.1 We have noted the general acceptance of a change to the boundary between the County of Powys and the County Borough of Merthyr Tydfil as proposed in our Draft Proposals report based primarily on the undesirability in terms of effective and convenient local government of the settlement of Pontsticill being partitioned between two principal areas. We have however noted the continuing support for that boundary change to be extended so as to take an area that includes the Dolygaer Outdoor Pursuit Centre into Merthyr Tydfil (Appendix C).
- 6.2 We noted that the area of the Dolygaer Outdoor Pursuits Centre is only a small part of the more extensive area suggested to be included within Merthyr Tydfil lying as it does some considerable distance to the north. We understand that because of the geographical position of the Centre it would be necessary to include the whole of

this area if the Centre were to be included within Merthyr Tydfil. Whilst we accept that the inclusion of Dolygaer Outdoor Pursuits Centre in their area may be more convenient for Merthyr Tydfil County Borough Council and that this may give the Centre access to additional funding, we are of the view that it would not be desirable in the interests of effective and convenient local government for the whole of the suggested area to be included within Merthyr Tydfil.

- 6.3 We remain of the view that it is desirable in the interests of effective and convenient local government for part of the area adjacent to the Pontsticill Reservoir to be transferred from the County of Powys to the County Borough of Merthyr Tydfil and that the extent of this change should be as indicated on the map at Appendix B.

7. PROPOSALS

- 7.1 Having considered all of the evidence available to us we propose that the boundary between the County of Powys and the County Borough of Merthyr Tydfil in the area of Pontsticill should be realigned in the area under review as shown in green on the map at Appendix B.

- 7.2 As a consequence:

We propose that the boundary between the Community of Talybont-on-Usk and the Community of Llangynidr be realigned to follow the boundary shown in brown on the map at Appendix B.

- 7.3 A detailed map to a larger scale showing the proposed new boundary can be inspected at the offices of Merthyr Tydfil County Borough Council, Powys County Council and at the office of the Commission in Cardiff.

8. CONSEQUENTIAL ARRANGEMENTS

- 8.1 Under Section 54 (1) (e) of the Act, the Commission may make proposals for change of electoral arrangements for any local government area, which is consequential on any proposed change in local government areas. A detailed analysis of the proposed changes to the electoral arrangements for the principal areas of Merthyr Tydfil County Borough Council and Powys County Council and the communities of Vaynor and Talybont-on-Usk are given below.

Community Council Electoral Arrangements

- 8.2 The Community of Vaynor in the County Borough of Merthyr Tydfil does not have a community council. The proposed change to the boundary therefore requires no consequential changes to be made to the electoral arrangements of this community.
- 8.3 The Community of Talybont-on-Usk in the County of Powys was until recently divided for community electoral purposes into the Community wards of Llanddetty, Llanfigan and Llansantffraed represented by 4, 5 and 2 members respectively. The

County of Powys (Community Electoral Arrangements) Order 2006 which came into operation on 1 December 2007 removed the warding arrangements and reduced the number of members representing the Community of Talybont-on-Usk from 11 to 9. The proposed change to the boundary would reduce the number of electors in the Talybont-on-Usk Community by 13 electors. We consider that this small change to the number of electors does not merit a further change to the number of councillors representing this ward.

- 8.4 The proposed change to the boundary between the Communities of Talybont-on-Usk and Llangynidr does not involve any electors. No consequential changes to the electoral arrangements of these communities as a result of this change are therefore required.

County Council Electoral Arrangements

- 8.5 The Merthyr Tydfil County Borough Council Electoral Division of Vaynor consists of the Community of Vaynor with 2,575 electors represented by 2 councillors. The proposed change to the boundary would increase the number of electors by 13.
- 8.6 The Powys County Council Electoral Division of the Communities of Glyn Tarell, Llanfrynach and Talybont-on-Usk with 1,624 electors represented by 1 councillor. The proposed change to the boundary would decrease the number of electors by 13.
- 8.7 We are of the view that for both of the above electoral divisions the changes to the number of electors as a consequence of the proposed boundary change are not so significant as, at this time, to require either an increase or a decrease in the number of councillors representing each electoral division.

9. ACKNOWLEDGEMENTS

- 9.1 We wish to express our gratitude to the principal councils and all the community councils for their assistance during the course of the review and to all bodies and persons who made representations to us.

10. RESPONSES TO THIS REPORT

- 10.1 Having completed our review of part of the boundary between the County of Powys and the County Borough of Merthyr Tydfil in the area of Pontsticill and submitted our recommendations to the Welsh Assembly Government, we have fulfilled our statutory obligation under the Act.
- 10.2 It now falls to the Welsh Assembly Government, if it thinks fit, to implement them with or without modifications by means of an Order or to direct the Commission to conduct a further review.
- 10.3 Any further representations concerning the matters in the report should be addressed to the Welsh Assembly Government. They should be made as soon as

possible, and in any event not later than six weeks from the date that the Commission's recommendations are submitted to the Welsh Assembly Government. Representations should be addressed to:

Democracy Team
Local Government Policy Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ

MRS S G SMITH LLB (Chair)

MR P J WOOD (Deputy Chair)

REV. HYWEL MEREDYDD DAVIES BD (Member)

E H LEWIS BSc. DPM FRSA FCIPD (Secretary)

July 2008

Summary of Representations Received in Response to the Draft Proposals

Powys County Council wrote to inform the Commission that the County Council had considered the proposals in the draft report and supported the Commission's recommendations to alter the County and, as a consequence, the Community boundaries as shown in Appendix D of the Draft Proposals report (the proposal to transfer the area around Ponsticill but not including the much larger area to the north that includes the Dolygaer Outdoor Pursuits centre).

Merthyr Tydfil County Borough Council agreed that the small number of electors affected by the suggested boundary change was not significant enough to change the number of Councillors in the Electoral division of Vaynor. The Council reiterated their opinion however that further consideration be given to the boundary being extended further, to include Dolygaer Outdoor Pursuits Centre and the properties to the north of the reservoir as outlined in their initial representation.

The Council considered that it was significant that the initial response from the Divisional Commander for Powys of Dyfed Powys Police Authority appears to support this extension, in that he has made reference to the fact that emergency response units dispatched from Merthyr Tydfil would have a far quicker response time to any incident at the Brecon Mountain Railway, Pontsticill Station or Dwr Cymru Water Treatment Works. Based on the 20 mile distance from Brecon to these areas as opposed to the 2 miles from Dowlais, Police in Merthyr Tydfil would also have the advantage of being significantly closer to the properties further north.

The Council gave details of the financial benefits to businesses etc. including Dolygaer, should they be situated within their Council area as follows:

- Four wards [electoral divisions] in Merthyr Tydfil are eligible for European Commission Rural Development funding for the period 2007-2013. Vaynor is one of these wards [electoral divisions]. Any Businesses included within these areas during the period will be eligible to apply for funds;
- The Convergence programme 2007/13 is the successor to the Objective 1 programme 2000/06 and under this programme West Wales and the Valleys have been awarded the highest level of support (£1.47 billion). Powys is not eligible for Convergence funding.
- Dolygaer Outdoor Pursuits Centre expressed an interest in submitting an application under Objective 1 funding but were not eligible due to their geographical location. It is anticipated that similar problems could arise within the convergence programme;
- Under the Welsh Assembly Government's Heads of the Valleys Initiative, Tourism, Education and the Environment are prominent features each of which Dolygaer contributes towards. It is intended that over £140m is to be invested in to the Heads of the Valley between now and 2020, which Dolygaer and possibly other businesses would miss out on due to being located within Powys.

Clerk to the Lieutenancy of the County of Mid Glamorgan wrote to inform the Commission that the Mid Glamorgan Lieutenancy fully supported Merthyr Tydfil Council's view that consideration should be given to the boundary being extended further to include Dolygaer Outdoor Pursuits Centre and the premises to the north of the reservoir.

Dyfed Powys Police wrote to inform the Commission that having consulted the Members of the Police Authority, they support the views of the Divisional Commander for Powys in relation to the proposed changes.