

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR WALES

**REVIEW OF PART OF THE BOUNDARY
BETWEEN THE COUNTY BOROUGH OF NEATH
PORT TALBOT AND THE COUNTY OF POWYS IN
THE AREA OF CWM-TWRCH**

REPORT AND PROPOSALS

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REPORT AND PROPOSALS

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REVIEW OF PART OF THE BOUNDARY BETWEEN THE COUNTY BOROUGH OF NEATH PORT TALBOT AND THE COUNTY OF POWYS IN THE AREA OF CWM-TWRCH

REPORT AND PROPOSALS

1. INTRODUCTION

- 1.1 We, the Local Government Boundary Commission for Wales (the Commission), have completed the review of part of the boundary between the County Borough of Neath Port Talbot and the County of Powys in the area of Cwm-twrch and present our proposals for a new boundary. A map showing the area under review can be found at Appendix 1.

2. EXECUTIVE SUMMARY

- 2.1 We propose that the boundary between the County Borough of Neath Port Talbot and the County of Powys in the area of Cwm-twrch should be realigned to follow the river Twrch as shown on the map at Appendix 1.

3. SCOPE AND OBJECT OF THE REVIEW

- 3.1 Section 54(1) of the Local Government Act 1972 (the Act) provides that the Commission may in consequence of a review conducted by them make proposals to the National Assembly for Wales 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 29 April 2002 to the County Borough of Neath Port Talbot and the County of Powys Councils, Ystalyfera and Ystradgynlais Community Councils, 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 Borough of Neath Port Talbot and the County of Powys 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 public notices.

4. DRAFT PROPOSALS

- 4.1 We received representations from Neath Port Talbot County Borough Council, Powys County Council, Ystalyfera Community Council, Rt. Hon Peter Hain MP, Gwenda Thomas AM, Dyfed Powys Police Authority and a resident. These representations were taken into consideration and summarised in our Draft Proposals published on 15 November 2002.
- 4.2 We considered the representation from Powys County Council which pointed out anomalies in the boundary between Neath Port Talbot and Powys in the area of Lower Cwm-twrch.

We inspected detailed maps of the area and made a site visit on 2 September 2002. Following these investigations, we agreed that the current convolutions of the boundary are likely to cause difficulties in identifying which county a particular property was in. We concluded that this in turn would cause difficulties in the delivery of local government services and that an appropriate change to the boundary would be of benefit in terms of effective and convenient local government.

- 4.3 We considered Powys County Council's suggestion of using the river Twrch as the boundary and, following our site inspection, have found that it is clearly defined.
- 4.4 We noted Neath Port Talbot County Borough Council's objection to Powys County Council's proposed boundary and we have considered their alternative suggestion that the boundary follows the centre line of the A4068 road. We considered that it would be of benefit in terms of effective and convenient local government that any change to the boundary should aim to bring the whole of the village of Cwm-twrch within the same county area. On this basis, we considered the boundary suggested by Neath Port Talbot perpetuates the situation rather than resolves it, by bringing more properties within Neath Port Talbot. We also noted that Neath Port Talbot County Borough Council consider that the boundary suggested by Powys County Council would still leave parts of the village within Neath Port Talbot. It was not clear from the representation which area was being referred to, but we took the representation as relating to the properties across the river along Rhiwfawr Road towards Pen Rhiw-fawr. We considered that although it is likely that these properties have community ties with Cwm-twrch, it is also possible that they will have community ties with the village of Pen Rhiw-fawr within Neath Port Talbot. Although we would ideally like to see all areas with a community of interest grouped together, we have to balance this with the requirement for a clearly defined boundary. We had received no proposals for an alternative boundary that meets both these requirements and we had ourselves been unable to identify such a boundary. On balance, therefore we considered that the boundary suggested by Powys County Council best meets the requirement to bring the whole of the village of Cwm-twrch within the same county.
- 4.5 We considered that although the existing boundary is a long-standing one, this does not necessarily mean that it can clearly be identified or is effective and convenient. We considered that in this instance this is not the case. We noted the point made by Neath Port Talbot County Borough Council regarding cross-boundary service delivery arrangements and cross-boundary preferred placements for school catchment areas and we have no doubt that such arrangement can be effective. The Commission were satisfied however that a more clearly defined boundary, and one which would bring the whole village within the same County area, would be of benefit in terms of effective and convenient Local Government.
- 4.6 We noted Neath Port Talbot's point that differences in council tax levels between local authorities should not be seen as a permanent feature. The Commission generally takes the approach that differences in council tax on their own should not determine the boundary between principal Council areas. Among other factors, the Commission notes the point made by Neath Port Talbot, that levels of council tax, as between authorities, are liable to change, and cannot be regarded as constant.
- 4.7 We noted Neath Port Talbot County Borough Council's concerns regarding the inclusion of Lower Cwm-twrch within the Ystalyfera 'Communities First' area. Under the proposal by Powys County Council the village of Cwm-twrch would be included within the Ystradgynlais electoral division. As the Ystradgynlais electoral division is also eligible for funding under the Communities First Programme, we considered it unlikely that the

proposed change would have a detrimental effect on the village of Cwm-twrch in terms of Communities First funding.

- 4.8 We also noted Neath Port Talbot County Borough Council's concerns regarding the transfer of the Gurnos Industrial Estate into Powys and the effect this will have on Objective 1 funding. We received advice from the Welsh European Funding Office who are of the opinion that a change in a local authority boundary will not affect the Objective 1 status of an area for the duration of the current round of Structural Funds programmes.
- 4.9 We considered that the river Twrch represents a clearly defined natural boundary and that changing the existing boundary to follow the river would remove the anomaly whereby the village of Lower Cwm-twrch is split between two unitary authorities. We considered such a change to be of benefit in terms of effective and convenient local government. Our Draft Proposals therefore recommended that the boundary between the County Borough of Neath Port Talbot and the County of Powys in the area of Cwm-twrch should be realigned to follow the river Twrch.
- 4.10 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 Neath Port Talbot County Borough Council, Powys County Council and the Commission and were also deposited at the offices of the Dyfed Powys Police Authority.

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

- 5.1 We received representations from Neath Port Talbot County Borough Council; Powys County Council; Ystradgynlais town council; Rt Hon Peter Hain MP; Gwenda Thomas AM; one councillor; and two other interested bodies and residents. All of these representations were considered carefully before formulating our proposals.
- 5.2 **Neath Port Talbot County Borough Council** were opposed to any re-alignment of the boundary in the area of Cwmtwrch. They were particularly opposed to the transfer of the Gurnos Industrial Estate from Neath Port Talbot into Powys. They considered that a change to the boundary would have no benefit in terms of effective and convenient local government and that there was no obvious desire for change on the part of the residents in the area. They considered that if the boundary were to be re-aligned then it should follow the centre line of the A4068 (Bethel Road / Heol Twrch) which would create a more convenient and recognisable boundary with minimum impact on the community and would leave the Gurnos Industrial Estate in Neath Port Talbot. The continuing development of the industrial estate is vital to the prosperity of not only Cwmtwrch but the whole of the region. The Council had received notification that an application for funding under priority 1 Measure 5 of Objective 1 for the Phase 3 development of the industrial estate has been approved by the Welsh European Funding Office. The position after 2006 would be uncertain in the event of any boundary change. The Council noted that the Commission's proposed re-alignment of the boundary would mean a loss of some 90 electors from Neath Port Talbot which would affect the level of revenue support grant and result in a loss of funding available to them.

In a further representation the Council drew the Commission's attention to the fact that they were to benefit from the National Assembly's Deprivation Fund. They considered that the

benefits of the County Borough from this fund would be adversely affected by any population transfers from Neath Port Talbot.

- 5.3 **Powys County Council** expressed their support for the Commission's proposals.
- 5.4 **Rt Hon Peter Hain MP** opposed the Commission's proposal to re-align the boundary between Neath Port Talbot and Powys. He said that the Gurnos Industrial Estate together with the adjoining land should remain vested in Neath Port Talbot County Borough Council.
- 5.5 **Gwenda Thomas AM** opposed the Commission's proposal to re-align the boundary between Neath Port Talbot and Powys and was particularly opposed to any transfer of the Gurnos Industrial Estate which she considered should remain vested in Neath Port Talbot County Borough Council.
- 5.6 **Ystradgynlais Town Council** supported the Commission's Draft Proposals. They considered that the existing boundary was contrary to common sense and realignment of the boundary would mean that residents of the area would feel as one community and have the same sense of identity.
- 5.7 **Cllr Alun Llewellyn** agreed with Neath Port Talbot County Borough Council's representation and shared their concerns for the Gurnos Industrial Estate. Having received comments from residents regarding the proposals, he considered that there was not much enthusiasm for a change in the boundary. He considered that the Commission should contact the residents directly to give them a chance to comment on the proposals.
- 5.8 **H M Land Registry** had no comment to make regarding the Commissions Draft Proposals.
- 5.9 **Ordnance Survey** had no comment to make regarding the Commissions Draft Proposals.

6. ASSESSMENT

- 6.1 We noted the concerns expressed by Neath Port Talbot County Borough Council, Peter Hain MP, Gwenda Thomas AM and Councillor Alun Lewis regarding the effect the change to the boundary would have on the Gurnos Industrial Estate. We considered this issue and the effect that the change to the boundary will have on Objective 1 funding in making our Draft Proposals. We were advised by the Welsh European Funding Office that a change in a local authority boundary would not affect the Objective 1 status of an area for the duration of the current round of Structural Funds programmes. We considered therefore that the current development proposals for the area including the Gurnos Industrial Estate would not be affected by the boundary change. Having considered the further representations we have received on this matter, we remain of that view. In the longer term, as stated by Neath Port Talbot County Borough Council, the position is currently uncertain. The support available from the European Structural Fund (of which Objective 1 is a part) covers the period 2000-2006. We are unaware of any proposals that have been announced for programmes after 2006. We consider therefore that it is not possible to assess the effect the change to the boundary would have on any (possible) future European funding programmes. We remain therefore, of the view that the issue of Objective 1 funding should not be a determining factor in the consideration of the boundary between Neath Port Talbot and Powys.
- 6.2 Neath Port Talbot also raised the concern that a change to the boundary would affect the amount of grant received by the County Borough Council in respect of the National Assembly's Deprivation Fund. We have been informed by the National Assembly for Wales that the distribution of the grant for 2003-04 has been set and so will not be affected by any change to the boundary. It is intended that the grant will exist beyond one year. For

later years, it has been agreed that the formula will be revisited but, as the formula has not yet been determined, it is too early to be able to assess the impact of the boundary change on the level of funding received by Neath Port Talbot County Borough Council. In any event the reduction of the amount of grant is only likely to reflect the reduction in the number of electors and in the area concerned this would be 0.08%. We consider therefore that the effect of any possible change to the level of Deprivation Grant received by Neath Port Talbot County Borough Council as a result of the boundary change would not have a significant impact on the programmes that are to be funded by the Grant.

- 6.3 Both Neath Port Talbot County Borough Council and Councillor Alun Llewellyn considered that there was no obvious desire for change on the part of the residents in the area. Councillor Llewellyn made the further point that he considered that all of the residents in the area involved should be contacted directly to ask for their views. In line with our normal procedures we wrote to the interested parties listed at 3.2 above at the start of the review. In addition we asked the local authorities to post supplied notices in locations such as libraries, community centres etc. We also arranged for similar notices to be placed in newspapers circulating in the area and announced the commencement of the review on our internet site. When we published our Draft Proposals we sent copies to all of the interested parties and all those who had sent representations to us. We again provided notices to the local authorities and placed notices in newspapers. Our Draft Proposals report was reproduced in full on our internet site. We have previously found that the steps outlined above have been sufficient to alert the local residents that a review was taking place and that their views would be welcomed. Following the publication of our Draft Proposals, we have not received any representations from residents of the area. We are therefore unable to gauge public opinion on this issue.
- 6.4 We remain of the view that the anomaly whereby the village of Lower Cwm-twrch is split between two unitary authorities is detrimental to effective and convenient local government in the area. We consider that as the river Twrch represents a clearly defined natural boundary, changing the existing boundary to follow the river would remove this anomaly. We consider such a change to be of benefit in terms of effective and convenient local government.

7. PROPOSALS

- 7.1 Having considered all the evidence available to us, we propose that, in the interests of effective and convenient local government, the boundary between the County Borough of Neath Port Talbot and the County of Powys in the area of Cwm-twrch should be realigned in the area under review to follow the river Twrch. The proposed change to the boundary is shown in blue on the map at Appendix 1.

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 the County Borough of Neath Port Talbot and the County of Powys and the communities of Ystalyfera and Ystradgynlais is given below.

- 8.2 The changes proposed would involve approximately 90 electors transferring from Neath Port Talbot County Borough to the County of Powys (figures supplied by Neath Port Talbot County Borough Council). The area to be transferred is in the Ystalyfera Ward of the Community of Ystalyfera which forms the Ystalyfera electoral division with 2,433 electors represented by one councillor. We noted that the adjoining electoral division of Godre'r Graig which consists of the Godre'r Graig ward of the Community of Ystalyfera has 1,151 electors represented by one councillor. The reduction in the number of electors in the Ystalyfera electoral division would therefore go some way to reducing this large disparity in the councillor/electorate ratios. We consider therefore that, although a consequential change to the boundary of the Ystalyfera electoral division is required, there should be no change to the number of councillors for Neath Port Talbot County Borough Council.
- 8.3 We also consider that the reduction of approximately 90 electors out of a total of 3,584 in the Community of Ystalyfera would not significantly affect the electoral arrangements for the Community. We therefore propose that, although a consequential change to the boundary of the Godre'r Graig ward of the Community of Ystalyfera is required, there should be no change to the number of councillors for the Community of Ystalyfera.
- 8.4 The proposals would see the addition of approximately 90 electors to the Cwm-twrch Ward of the Community of Ystradgynlais which is in the Cwm-twrch electoral division which currently has 1,516 electors represented by one councillor (giving a total of approximately 1,606 electors). Although this would continue a councillor/electorate ratio to a higher level than the county average of 1:1,359 we consider the ratio compares favourably with the adjoining Ynyscedwyn electoral division (consisting of the Ynyscedwyn Ward of the Community of Ystradgynlais) with 1,770 electors represented by one councillor and the Ystradgynlais electoral division (consisting of the Ystradgynlais ward of the Community of Ystradgynlais) with 2,010 electors represented by one councillor. We consider therefore that, although a consequential change to the boundary of the Ystradgynlais electoral division is required, there should be no change to the number of councillors for Powys County Council.
- 8.5 We also consider that the increase of approximately 90 electors to the total of 5,296 in the Community of Ystradgynlais would not significantly affect the electoral arrangements for the Community. We therefore propose that, although a consequential change to the boundary of the Ystradgynlais ward of the Community of Ystradgynlais is required there should be no change to the number of councillors of the Community of Ystradgynlais.
- 8.6 The boundary between the County Borough of Neath and the County of Powys in the area under review is also the boundary between the preserved counties of West Glamorgan and Powys. Having regard to the purposes for which the preserved counties are retained we are of the view that it is desirable for the boundaries of the preserved counties to follow the boundaries between the unitary authorities. We therefore propose that the boundary between the preserved counties of West Glamorgan and Powys is also changed to follow the line shown on the map at Appendix 1.

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 Borough of Neath Port Talbot and the County of Powys in the area of Cwm-twrch and submitted our recommendations to the National Assembly for Wales, we have fulfilled our statutory obligation under the directions issued by the National Assembly for Wales.
- 10.2 It now falls to the National Assembly for Wales, 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. Such an Order will not be made earlier than a period of six weeks from the date that the Commission's recommendations are submitted to the National Assembly for Wales.
- 10.3 Any further representations concerning the matters in the report should be addressed to the National Assembly for Wales. 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 National Assembly for Wales. Representations should be addressed to:

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May 2003