
**Decision Session - Executive Leader
(incorporating Policy, Strategy and
Partnerships)**

18 September 2019

Report of the Corporate Director of Economy and Place

Proposed Acomb and Westfield Neighbourhood Plan Area and Forum

Summary

1. The purpose of this report is to seek determination on two applications submitted by the proposed Acomb and Westfield Neighbourhood Forum for (i) designation of a Neighbourhood Plan Area and (ii) designation of a Forum in order to prepare a Neighbourhood Plan. The Report also provides a summary of the consultation responses received during the recent consultation on the applications. The report recommends that City of York Council make amendments to the area and approve the forum application subject to the forum confirming that they are willing to act in relation to the amended area and submit an updated constitution reflective of the proposed revised neighbourhood area.

Recommendations

2. The Executive Member is recommended to:
 - (i) Approve a revised Neighbourhood Plan Area as shown on the Map in Annex 3.

Reason: to allow the Neighbourhood Plan Area to be designated.

- (ii) If Recommendation (i) is approved, to approve the Forum Application, subject to the Forum writing to the Council within 14 days to indicate that they are willing to act in relation to the revised area (see Map in Annex 3) and to confirm it is still able to meet the conditions for designation set out in Section 61F of the Town and Country Planning Act 1990 (as amended) and submitting an amended constitution in line with the amended area, that removes references to Westfield. Subject to the above to agree the designation of the forum by the Assistant Director for Planning and Public Protection in consultation with the leader of the Council.

Reason: to allow the Neighbourhood Forum to be designated.

Background

3. As part of the Localism Act 2011, local communities are encouraged to come together to get more involved in planning for their areas by producing Neighbourhood Plans for their area. Neighbourhood Plans are centred specifically round creating plans and policies to guide new development.
4. Neighbourhood planning is about letting the people who know about an area plan for it. It is led by the residential and business community, not the Council, and is about building neighbourhoods – not stopping growth.
5. If adopted by the Council, Neighbourhood Plans and Orders will have weight becoming part of the statutory plan making framework for that area. Designation of a Neighbourhood Area and a Neighbourhood Forum are the first stages in the preparation of a Neighbourhood Plan.
6. In line with National Planning Practice Guidance (NPPG) paragraph 24¹ (2019):

“An application must be made by a parish or town council, neighbourhood forum or a prospective neighbourhood forum, to the local planning authority for a neighbourhood area to be designated (see regulation 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended). This must include a statement explaining why the proposed neighbourhood area is an appropriate area”.

7. There are four stages in determining Neighbourhood Area and Forum Applications, these stages are set-out in detail in the Neighbourhood Planning (General) Regulations 2012, and are as follows:

Stage 1 – Receipt

This initial stage does not involve an assessment of the information included within the application, it ascertains that the required information is present within the application and whether or not there is

¹ Reference ID: 41-024-20190509

an existing Neighbourhood Area and/or Forum for the area. If there is already an existing Neighbourhood Area or Forum for the area and that designation has not expired or been withdrawn, the Council may decline to consider the application/s.

Stage 2 – Publicity

As soon as possible after receiving an application, and if not declined to consider under the Regulations, the Council will publish details on its website and in such other manner as considered likely to bring the application to the attention of people who live, work or carry on business in the area (for a minimum six-week period) to which the application relates, along with details on how to make representations.

Stage 3 – Consideration and determination of applications for designation

Applications must be determined within 13 weeks of first being published for consultation which in this case is 19th September 2019. In reaching a decision regarding the designation of a Neighbourhood Area and/or Forum, the Council will prepare reasons for its decision. If the decision is not to designate the specific area applied for, these reasons need to be published as part of the refusal notice referred to below. It is considered good practice for any decision to be recorded in writing along with reasons, regardless of whether the decision is to grant designation or to refuse it.

Stage 4 – Publicising a designation of a Neighbourhood Area or Forum

If approved, as soon as possible after designating a Neighbourhood Area and/or Forum, the Council will publish (in the same manner as Stage 2) the following:

- a) the name of the Neighbourhood Area and/or Forum;
- b) a copy of the written constitution of the Neighbourhood Forum, as appropriate;
- c) the name of the Neighbourhood Area or Forum to which the designation relates; and,
- d) contact details for at least one member of the Neighbourhood Area or Forum.

As soon as possible after deciding to refuse to designate a specific Neighbourhood Area applied for or Forum, the Council will publish (in the same manner as Stage 2) the following:

a) a statement setting out the decision and their reasons for making that decision (“the refusal statement”); and,

b) details of where and when the refusal statement may be inspected.

8. The regulations state that where a relevant body, in this case the prospective Acomb and Westfield Neighbourhood Forum, submits an area application it must include:
- A map which identified the area to which the area applications relates;
 - A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - A statement that the organisation or body making the application is a relevant body for the purposes of Section 61G of the 1990 Town and Country Planning Act as applied to Neighbourhood Plans by Section 38a of the Planning and Compulsory Purchase Act (2004).
9. The prospective Acomb and Westfield Neighbourhood Forum has submitted the Neighbourhood Area application and Neighbourhood Forum application simultaneously. This allows people who live, work and do business in Acomb and Westfield wards to see the proposals in context. It also removed the need to consult twice, saving time and reducing the chances of 'consultation fatigue' amongst residents. The applications, including a map showing the extent of the proposed neighbourhood area, are included in Annex 1 of this report.
10. The prospective forum highlighted that although the applications are submitted together, they are submitted as two separate applications in order to demonstrate compliance with Regulations 5 and 8 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Reasons for the Proposed Neighbourhood Area Boundary

11. The area application states that the proposed Neighbourhood Area comprises the two wards of Acomb and Westfield. The prospective forum considers this to be appropriate to be designated as a neighbourhood area for the following reasons:
- i. It follows the recognised/established Ward boundaries

- ii. Formal and informal networks of community-based groups already operate within these boundaries
- iii. Distinct catchment areas for schools and local facilities fall within the boundaries proposed
- iv. Consultation to date shows that there is a desire for a neighbourhood plan to cover the full ward areas

Suitability of Proposed Forum

12. The forum application highlights that the prospective Acomb and Westfield Neighbourhood Forum has been established for the express purpose of promoting or improving the social, economic and environmental wellbeing of the Acomb and Westfield Wards. It states that membership is open to:
 - i. individuals who live in the proposed Neighbourhood Area,
 - ii. individuals who work there (whether for businesses carried on there or otherwise), and
 - iii. individuals who are elected
13. The Acomb and Westfield Neighbourhood Forum current membership includes approximately 125 individuals who fall within one or more of the above categories.
14. The Council cannot refuse to designate a neighbourhood planning forum that meets the minimum statutory requirements (which include a written constitution, with a purpose to promoting or improving the social, economic and environmental wellbeing of an area; and an open membership, with a minimum of 21 individuals who live, work or are elected to represent the area). The current application meets these minimum statutory requirements.
15. The Council must designate some or all of the neighbourhood area applied for in line with Town and Country Planning Act 1990 (as amended) 61 G (5). The reasons for amending an application must be published and can be challenged in the courts.
16. Officers will consider the reasons for the proposed neighbourhood area boundary and the suitability of the proposed forum under the 'Analysis' section of this report.

Consultation

17. When an area application is received, the City of York Council must publish the following details of the Plan in line with the Regulations (2012, as amended):
- a) a copy of the application*
 - b) details of how to make representations*
 - c) the date by which those representations must be received, being-*
 - (i) in the case of an application to which paragraph (2)(b) of regulation 6A applies, not less than four weeks from the date on which the area application is first published;*
 - (ii) in all other cases, not less than six weeks from the date on which the area application is first published.*

This should be published on the website and in such other manner as is considered likely to bring the area application to the attention of people who live, work or carry on business in the area to which the area application applies.

18. Similarly, when a Neighbourhood Forum application is received, the City of York Council must publish the following details of the Plan in line with the Regulations (2012, as amended):
- (a) a copy of the application;*
 - (b) a statement that if a designation is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn;*
 - (c) details of how to make representations; and*
 - (d) the date by which those representations must be received, being not less than 6 weeks from the date on which the application is first publicised.*

This should be published on the website and in such other manner as is considered likely to bring the area application to the attention of people who live, work or carry on business in the area to which the area application applies.

19. On 27th June 2019, City of York Council published the Forum and Area applications for an 8 week consultation period until 22nd August 2019, which allowed an additional two weeks of consultation as it fell over the summer holiday period. It meets the statutory requirements and accords with the Council's adopted Statement of Community

Involvement. The consultation was publicised and responded to in the following way:

- Notices were put up in prominent public areas in the Acomb and Westfield Wards
 - A copy of the applications were put in York Explore Library, the Councils West Offices Reception and Acomb Explore Library;
 - A notification letter was sent to businesses and landowners/agents in the Acomb and Westfield Wards;
 - A notification email was sent to the elected Members in the Acomb and Westfield Wards;
 - A notification email was sent to neighbouring Ward and Parish Councils including:
 - Holgate Ward
 - Dringhouses and Woodthorpe Ward
 - Rural West Ward
 - Rawcliffe and Clifton Without Ward
 - Rufforth with Knapton Parish
 - Askham Bryan Parish
 - Clifton Without Parish
 - Nether Poppleton Parish
 - Upper Poppleton
 - A press release was written to notify the media of the consultation;
 - A new Acomb and Westfield webpage was created at: www.york.gov.uk/neighbourhoodplanning where the Acomb and Westfield applications are available to view as well as additional information on the Neighbourhood Planning process.
 - A specific email address neighbourhoodplanning@york.gov.uk was set up to receive representations as well as a freepost address.
20. Now the consultation period has ended, the Local Planning Authority has a period of time (defined by the Neighbourhood Planning (General) (Amendment) Regulations 2016) to decide whether or not to designate the forum and the boundary applied for. The power to designate a neighbourhood area is exercisable under section 61G of the Town and Country Planning Act 1990. At this stage, it is only the principle of becoming a neighbourhood area and the extent of the proposed boundary which is to be considered. The determination of the application should not pre-judge the content or approach of the proposed draft Neighbourhood Plan. When designating a neighbourhood area, a local planning authority should not make assumptions about the neighbourhood plan that will emerge from

developing, testing and consulting on the draft neighbourhood plan when designating a neighbourhood area.

21. Under section 61H of the 1990 Act, whenever a local planning authority exercises powers under 61G to designate an area as a neighbourhood area, consideration must be given as to whether the authority should designate the area concerned as a business area. The designation of the specified area can only occur if the authority considers that the area is wholly or predominantly business in nature (Section 61H (3)). The specified area is not wholly or predominantly business in nature and so it is inappropriate to designate it as a business area.

Responses to Consultation

22. At the end of the 8 week consultation period the Council received 14 consultation responses which are included (with personal information removed) in Annex 2 to this report.
23. In summary the responses included 1 in support of the proposed forum, 3 respondents objected to the proposed forum. There were 2 respondents in support of the proposed area boundary. One respondent did not indicate whether they supported the proposed forum and proposed area or not, and 11 respondents did not support the proposed area boundary.
24. No specific new area boundaries and no new forums were formally proposed through the consultation responses.

Proposed Neighbourhood Forum Consultation Responses

25. The response in support of the proposed forum stated that the Forum is committed to it being an open, inclusive, community led process and has demonstrated this through the extensive consultation that has taken place to date. The neighbourhood Forum is not aligned to any particular interest group or political party.
26. The response from Consultants Rapley's who act on behalf of British Sugar Plc would like to become a member of the forum and indicated that a large part of the former British Sugar site is included within the proposed neighbourhood area designation.
27. The Lowfields Action Group have reservations about the neighbourhood forum as there are already several groups in the area which already articulate views of local people, they also comment that

some of the identified officials of the proposed forum are politically motivated. Also of concern is that the forum have associated itself with the 'Yospace' organisation which supported building on the Lowfield playing fields.

28. A suggestion from one respondent is that the forum should focus on a smaller area such as the Front Street Conservation Area. The respondent suggests that the effect of designating the two wards as one neighbourhood planning unit would be to prevent Residents Associations from pursuing their own preferred Neighbourhood Plan and it would potentially damage community cohesion which has been hard won over the years.
29. Another respondent opposed to the forum highlighted that the figures provided by the Forum relating to the location of their membership, on their figures only 68 members live in the area which represents 0.0029% of the population of the two Wards. In addition the respondent indicates that the officers of the Forum are not listed so it is difficult to know who exactly took the decision and when to apply for a Neighbourhood Forum. Concern that the Constitution, states a requirement for 2 General Meetings per year, one of which must be the AGM and their website does not confirm whether these have taken place. There was also concern over where the chair and vice chair live and whether it is within the plan area.
30. **Conclusion: The representations regarding the Forum are not made on the basis of lack of compliance with the legislative requirements. Officers are content that the application as submitted does comply with the requirements of the legislation.**

Proposed Neighbourhood Area Consultation Responses

31. One of the responses in support of the proposed area indicated that the submitted application provides the most appropriate boundary given that the centre of Acomb Village sits at the boundary of the wards and the catchment area extends deeply into both ward areas. In addition the response highlights that given the neighbourhood plan will complement and support the Local Plan it makes sense to base it on the two ward boundaries, the areas relevant for city planning, rather than creating a new boundary with no natural or structural basis.
32. The other positive response to the proposed boundary also believes that the proposed boundary is the only one that makes sense for any plan that is developed. The response indicates the following key points:

- the central area around Front Street is instantly recognisable and has history including a conservation area. It is suggested that it has a character that feels different from other parts of York and a community that often considers itself more of a village than a suburb.
- if the neighbourhood plan was only for a micro 'Acomb' area it would not necessarily address concerns of local residents feeling like an afterthought as many would not be covered by the plan. The response suggests that more importantly the identification of a 'micro' area is practically impossible. The conservation area straddles two council wards and does not include substantial parts of the primary shopping and market area. Additionally it fails to encapsulate the *immediate* local 'neighbourhood' by not covering roads like Beaconsfield St, Howe St, Beech Grove, Green Lane, etc, and it is not *designed* to look at the community itself.
- the core council boundaries are drawn based on communities and neighbourhoods which are the wards. The area surrounding Front Street and York Road are in Acomb and Westfield wards, slightly more in the latter than the former, and are generally known to local residents as Acomb, so trying to separate Acomb from Westfield is not simple, with local residents often choosing to ignore 'official' naming conventions like the 2003 and 2015 border changes to ward boundaries.
- local residents know their local village centre and from both Acomb and Westfield consider themselves part of that central community (as well as various micro communities too small for individual neighbourhood plans).
- 'many of the council services are already geared to work with this as a known area, and many local services, organisations, social media groups and activities/clubs already market themselves and operate as if this were one single accepted area'.
- some residents on the edge of Holgate branch, or at the other edges of the boundary, may consider themselves in or out on a case by case basis but in general people know the region of York fairly well as one suburb/village comprising two wards just like the city itself is one community comprising two parliamentary constituencies.

33. The Westfield Ward Councillors including Cllr Waller, Cllr Hunter and Cllr Daubeney all express reservations in relation to proposed neighbourhood plan area based on the following 6 points:
1. The area is too large for a genuinely local neighbourhood plan. The distances from Boroughbridge Road and Carr Lane to Acomb Wood Drive and Windsor Garth run through a number of different neighbourhoods.

2. No other neighbourhood Plan in York covers more than one ward, and the vast majority are parts of wards reflecting local geography and neighbourhoods.
3. The Councillors have concerns that the plan as proposed would not take account of the different neighbourhoods within the Westfield Ward.
4. Chapelfields is one of a number of distinct neighbourhoods in the ward, which according to the map submitted with the application has no members representing this community, nor has there been any direct engagement with the Community Association with that area.
5. Foxwood is another distinct neighbourhood and has few points of contact with the proposed plan and again no engagement with the Residents Association for this community.
6. It is hoped that the residents association for Kingsway West, Cornlands and Lowfields can be re-established and those neighbourhoods are distinct within the proposed geography.

The response by the Councillors also highlights that if the application were to be approved then this would prevent local neighbourhood plans for the communities listed in their response and be contrary to the intentions of the Localism Act.

34. Six local residents also object to the proposed boundary largely based on:
 - the large size of the area would not serve adequately the needs and objectives of the Westfield Ward, would create a lack cohesion of areas, the area is too wide to fully represent disparate parts;
 - will mean less money for the Foxwood residents, it does not take into account the local amenities that are available to those living in Foxwood and will not benefit local people;
 - the areas of Acomb, Chapelfields and Boroughbridge Road have nothing in common;
 - the plan would not serve the interests of the vast majority of Westfield residents particularly those in Foxwood, Chapelfields or Gladstone Street.
 - One resident felt that the area should be larger as it excludes the Acomb side of Holgate which to the respondent feels like a 'Greater Acomb' neighbourhood which should include the whole of the Acomb side of Holgate.
35. Foxwood Residents Association object to the proposed area boundary and considers that the two wards together (approximately 10,000 homes) encompasses a disparate group of neighbourhoods which little obvious community of interest. If agreed it would be the largest such

plan in the York area. The response indicates that Foxwood has little in common with Chapelfields or the Gladstone Street area and has even little shared interest with Ouse Acres. It is considered that Foxwood has more in common with Woodthorpe area. There is also concern that the plan would take resources away from the key task of raising public services standards in the area. A key point from the Foxwood Residents Association was that if approved it would prevent a plan, focusing on Foxwood, from being prepared by people who live in the local area. The response indicates that there is little scope for redevelopment and the focus needs to be on retaining and improving open spaces.

36. The response from Lowfields Action Group consider that the proposed plan is not manageable and which might not help local people to influence decisions which affect the street in which they live. They also feel that there is no community interest between the widely differing neighbourhoods contained within the proposed boundary which includes around 20,000 residents. The neighbourhood plan covering such a large area would be too big and the Action Group would support the production of a neighbourhood plan covering the Lowfields area and neighbouring streets.
37. Another response which objected to the proposed area suggests that it is much too large to have any commonality of interest for neighbourhood planning purposes stating that the Acomb and Westfield Wards cover approximately 10,000 homes and approximately 20,000 people which would stretch from Foxwood to Boroughbridge Road, encompassing a disparate group of neighbourhoods with little obvious community of interest. It is highlighted that if agreed, it would be by far the largest such plan in the York area and one the whole those neighbourhood plans that have been approved cover smaller villages which all have had a shared commonality of interests. The respondent also recognises that the Westfield Ward already has groups set up which seek to influence Council policy including also several Residents Associations, a “planning panel” (which scrutinises planning applications), a “ward team” and a “ward committee” together with several “action groups” which tend to focus on stimulating, or preventing, specific developments. There is concern that adding an additional tier of representation, would involve additional costs and could lead to confusion about roles and responsibilities. Again this respondent also highlights that Foxwood has little in common with Chapelfields or the Gladstone Street area and it has even less shared interest with Ouse Acres with Foxwood having more in common with the Woodthorpe area. The view of this respondent it that this proposal

represents an unwelcome diversion and could take resources away from the key task of raising public service standards in the area and suggests that Residents Associations are bested suited and of the right scale to identify changes that need to be made in local neighbourhoods and deserve more Council support. The response indicates that there is little scope for redevelopment and the focus needs to be on retaining and improving open spaces.

38. Finally a respondent objected to the proposed area on the following grounds:
1. **Proposed area to be covered:** the area proposed comprises a population of 23,440. The response suggests that one of the reasons York is such a great city in which to live is the diversity and vibrancy of its neighbourhoods, each with its own ethos, which are not confined within the boundaries of Wards but in many cases straddle Wards e.g. the Hob Moor area of Westfield probably has more in common with the Holgate area whilst Foxwood has more in common with parts of Dringhouses & Woodthorpe. Residents tend to look for facilities within their own neighbourhood in the first instance and the respondent can see little synergy between Acomb and Westfield, which appears to have a larger number of accessible community facilities than Acomb. The respondent suggests that consultation with local people on issues can and does take place through resident associations. The respondent feels that the proposed area is too large, the ability of people to influence decisions covering very unique areas will be lost.
 2. **Duplication and cost:** there is already a Ward Committee system in operation and there is the option to have a Planning Panel in each Ward although this is something which neither Ward has taken up. There was also concern over where the money may come for to fund the plan.

Conclusion: There are a number concerns over the area proposed due to its size and encompassing a variety of different and unique neighbourhoods. Officer's consideration of the proposed area is given in the analysis section of this report.

Options

39. The Council is obliged under the Neighbourhood Planning Regulations to decide any applications to designate a Neighbourhood Area and / or Neighbourhood Forum. In doing so, the Council must have regard to the relevant statutory requirements and base its decision on the requirements set out therein. The Council can either approve or reject the request for designation of the Forum and must publish the reasons

for refusing any application. For requests to designate a Neighbourhood Area, it can also amend the proposed boundary based on sound planning reasons. If the Council refuses to designate the specific area applied for, it must give reasons why it considers the area applied for is not appropriate.

40. The following options are available for the Executive Leader to consider:

Option 1 – approve both the applications to designate the neighbourhood area and forum for an Acomb and Westfield Neighbourhood Plan, as per the applications (attached at Annex 1) without modification;

Option 2 – approve a different revised neighbourhood area, to be determined at the Decision Session;

Option 3 – If Recommendation (i) is approved, to approve the Forum Application, subject to the Forum writing to the Council within 14 days to indicate that they are willing to act in relation to the amended area (see Map in Annex 3) and to confirm it is still able to meet the conditions for designation set out in Section 61F of the Town and Country Planning Act 1990 (as amended) and submitting an amended constitution in line with the amended area, that removes references to Westfield. Subject to the above to agree the designation of the forum by the Assistant Director for Planning and Public Protection in consultation with the leader of the Council.

Analysis

Proposed Forum Designation Analysis

41. The 1990 Act sets out four criteria that a prospective neighbourhood forum needs to meet if it is to be designated:

- (a) It is established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned;
- (b) Its membership is open to individuals who live in the neighbourhood area, individuals who work there (whether for businesses carried on there or otherwise) and individuals who are elected members any of whose area falls within the neighbourhood area concerned;

- (c) Its membership includes a minimum of 21 individuals each of whom live in the area, work in the area or are elected members for the area; and
 - (d) It has a written constitution.
42. The 1990 Act also requires the Council, in considering whether to designate a neighbourhood forum, to consider whether the:
- (a) Forum has secured, or taken reasonable steps to secure, membership that includes at least one individual from the three categories i.e. people who live, work or are elected members for the area;
 - (b) Membership is drawn from different places in the area and different sections of the community in the area; and
 - (c) The purpose of the forum reflects (in general terms) the character of the area.
43. The Forum is not, however, required to have a member from each membership category in order to be designated.
44. The above requirements give the Council limited discretion in determining applications for the designation of a neighbourhood forum; the proposed Forum either meets the requirements or it doesn't.
45. Once designated, a forum ceases to have effect after 5 years unless it is re-designated. The Council is also able to withdraw a designation where it considers that the Forum is no longer meeting the statutory conditions for designation as a neighbourhood forum.
46. The nature or merit of any draft or initial proposals is not a relevant consideration in the decision to designate a neighbourhood forum.
47. Officers have assessed the proposed Forum in relation to the submitted application. Officers consider that the proposed Forum meets the statutory requirements outlined above.

Conclusion

48. There is nothing in the initial membership or in the submitted constitution of the proposed forum that could prevent the Council from concluding that the Forum would be an appropriate qualifying body, suitable for designation for the purposes of neighbourhood planning. If officers recommendation to designate a smaller neighbourhood area is

approved the draft Constitution will need to be amended to reflect the area recommended to be designated which will also need to remove references to Westfield.

Proposed Neighbourhood Area Boundary Designation Analysis

49. As the Local Planning Authority, the City of York Council has a statutory duty to determine applications to establish neighbourhood areas. In determining the application for designation, the Act requires the Council to:
 - (a) consider whether the area is an appropriate area to be designated as a neighbourhood area; and
 - (b) designate all or part of the proposed area as a neighbourhood area provided at least some of the proposed area has not already been designated as a neighbourhood area.

50. The Council has discretion in determining the boundary of a neighbourhood area pursuant to section 61G of the Act. Such discretion has been tested and confirmed by the Court of Appeal (see *Daws Hill Neighbourhood Forum v Wycombe District Council* 2014). The judgments of the High Court and Court of Appeal in the Daws Hill litigation state that in determining an application under section 61G the LPA should have regard to a specific 'factual and policy matrix' that applies to that area. On this basis and in the context of national legislation and guidance, Table 1 below sets out the specific factual and policy matrix, and its component elements, that officers have considered in assessing the area application and developing their recommendations and the rationale for including these elements. Map 1 below also helped officers come to the conclusions in Table 1.

Map 1:

Acomb & Westfield Neighbourhood Plan

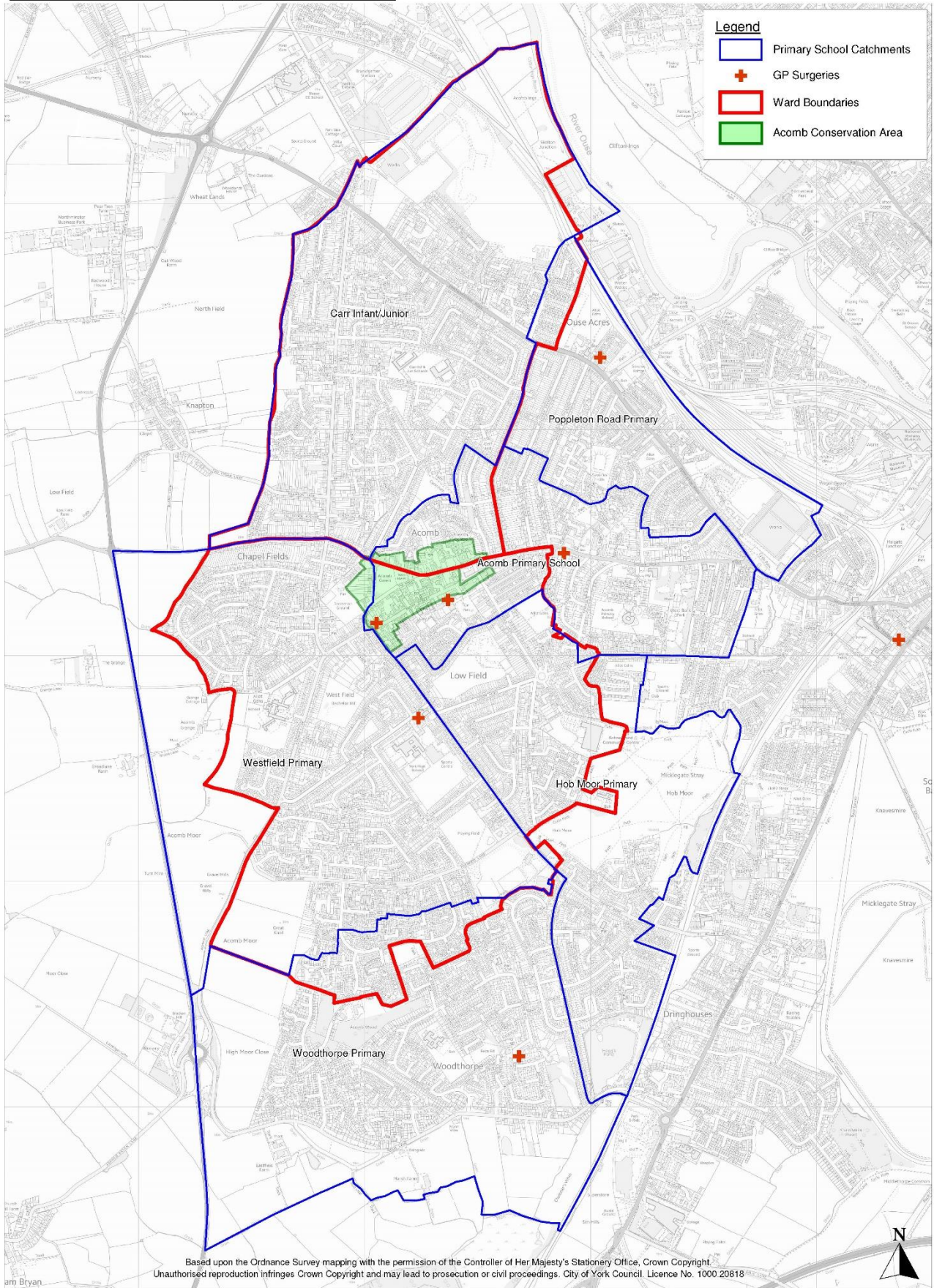


Table 1: Factual and Policy Matrix for the Proposed Neighbourhood Area

	Factual and Policy Matrix Elements	Assessment
1.	National Planning Practice Guidance (PPG) paragraph 033 Reference ID 41-033-20140306 Consideration	The National Planning Practice Guidance(paragraph 033 Reference ID: 41-033-20140306) sets out nine considerations for deciding the boundary of a neighbourhood area. The proposed neighbourhood area has been assessed against these considerations. Please refer to the analysis 1.i)-1.ix) below.
1.i)	Village or settlement boundaries, which could reflect areas of planned expansion	<p>Such a consideration is not directly relevant to a built-up urban area. However, given the size of the ward boundaries the proposed area does include a number of discrete neighbourhoods and villages as picked up in the consultation for example the area around Gladstone Street, Chapelfields and Foxwood.</p> <p>The proposed area also includes Acomb Conservation Area (as shown on Map 1 above) which gives a distinct boundary on the map. The Conservation Area was designated in 1975. It combines the earlier (1968) Front Street and Acomb Green Conservation Areas. The Conservation Area includes Two 15th Century houses in Front Street, these are the oldest buildings in Acomb and the only remaining complete timber frame structures. Acomb Primary School is a more recently Listed Building. It was designed in 1894 by Walter Brierley. Acomb House, Front Street, is mostly mid-Georgian.</p>

The Green retains its open village character. Although it is now surrounded on all sides by largely 19th Century development, it continues to form an important amenity space in this built up suburban area. It is one of the few areas in York where the changing contour of the ground adds to the interest of the scene with the church dominating the horizon.

The scale of development around the green is of two and three storey buildings. Acomb Front Street also retains something of the village main street, despite being bisected by recent road improvement.

There are several distinguished 18th Century buildings although much of the architecture is domestic in both scale and character.

The main elements of the character and appearance are:

(1) Acomb Green, with its open village green character

(2) Acomb Front Street, as the village main street.

(3) The interest generated by the topography of the area.

The wards of Acomb and Westfield give two clear administrative boundaries. The proposed neighbourhood area includes both wards.

The proposed area includes the majority of the former British Sugar site which was given outline planning consent for 1,100 houses on appeal in September 2018 (Planning Application Reference 15/00524/OUTM). This site will expand the area to the north of Acomb ward increasing the population by approximately 2,500 persons (based on an average household size of 2.3 persons per household).

		<p>The proposed neighbourhood area also includes the former Lowfields School Site within Westfield ward. An overall outline application for 165 houses on the former Lowfields School site (Planning Application Reference 17/02429/OUTM) was granted in August 2018. Also in August 2018, 140 houses were granted full planning consent (Planning Application Reference 17/02428/FULM) for the Lowfields School site. 19 Community Houses were also given consent on the Lowfields School Site in March 2019 (Planning Application Reference 18/02925/FULM).</p> <p>The former British Sugar Site and the Former Lowfield School Site will further increase the population within the two wards .</p> <p>Summary: The wards boundary for of Acomb and Westfield give clear, established administrative boundaries.</p> <p>The proposed neighbourhood area includes a number of discrete or historic neighbourhoods and villages. Planned expansion at the former British Sugar Site and Former Manor School Sites form a small part of the two wards as a whole.</p>
1.ii)	The catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities	Acomb district centre comprises approximately 100 units and provides a wide variety of uses. The centre has a good convenience provision, including a large supermarket which offers a main food shopping destination within the centre. There is a good provision of both off and on street parking within Acomb. The centre provides for a wide catchment area outside the city centre. Overall, Acomb is a centre that has a good mix of uses with a good representation of shops and other local services however, the centre does have a high representation of

		<p>uses such as betting shops, hairdressers, opticians and charity shops which is reducing the critical mass of comparison shopping in the centre.</p> <p>There are 3 NHS GP surgeries within the proposed neighbourhood area with two on Front Street and one on Cornlands Road (see Map 1 above).</p> <p>There is a patchwork of primary school catchments in the Acomb and Westfield wards including: Carr Infant/Junior, Poppleton Road Primary, Acomb Primary school, Westfield Primary School, Woodthorpe Primary School and Hob Moor Primary School. (see Map 1 above). York High School is the only Secondary School located within the proposed neighbourhood area and the catchment for this school covers the majority of the Acomb and Westfield ward.</p> <p>There are a number of sports clubs and one public sports centre - Energise on Cornlands Road.</p> <p>Summary: There are distinct differences with respect to the proposed neighbourhood area and catchment areas for local schools and GP facilities. The concentration of local services in the central area around Front Street within Acomb District Centre are used by residents in both wards and beyond.</p>
1.iii)	The area where formal or informal networks of community based groups operate	<p>Due to the size of the two wards there are a number of formal and informal network of communities and groups which exist in both wards.</p> <p>There are separate ward committees for Acomb and Westfield Wards.</p>

		<p>Neither Acomb or Westfield Ward have a planning panel.</p> <p>There are several Residents Associations including:</p> <p>Carr Area Residents Association (Acomb) Chapelfields Community Association (Westfield) Cornlands and Lowfields Residents Association (Westfield) Foxwood Residents Association (Westfield) Gale Farm Court Residents Association (Westfield) Kingsway Area Residents Association (Westfield)</p> <p>The application material provides little detail as to the geographic extent of these, but by their nature (resident / community groups) the extent of their membership will be focused on the established residential areas.</p> <p>Summary: Membership of formal and informal networks of community based groups in the area with focus on distinct residential areas but will also have an interest in the wider area.</p>
1.iv)	The physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style	<p>A City of York Historic Characterisation Project undertaken by the Council in 2013 analyses character and significance of areas across York. It has split the Acomb and Westfield Wards into the following areas:</p> <p>Area 27: Acomb - General Character: Acomb contains a variety of properties ranging from a handful of buildings dating to the 16th century, Georgian townhouses, Victorian terraces to developments spanning the whole of the 20th century. The village has a designated green (1965), formerly a quarry, and retains its medieval street layout with a modern commercial area located at the east</p>

end of the village. **Dominant Housing Type:** Mixture of post-medieval and 19th to 20th century dwellings. **Other Housing Types:** Mixture of late 20th century development.

Area 28: Acomb North - General

Character: A mixture of private and social housing spanning the 1930s-2000s, covering several housing estates of varying size on the north side of Boroughbridge Road, the west side of Beckfield Lane and the east side as far as Carr Lane. This character area extends southward towards the north of Acomb village.

Dominant Housing Type:

Post-war council housing – two storey, semi detached, front gardens (often now providing parking area), rear gardens and coal houses.

Other Housing Types: One-two storey inter-war housing, mid 20th century private housing and late 20th century development in private estates.

Area 25: Acomb South General Character:

Three detached zones of inter-war and post-war council housing to the south and west of Acomb, covering several housing estates from Moor Lane and the main line railway to the south and Chapelfields to the north-west and to the rear of Acomb village to the north.

Dominant Housing Type: Two-three storey post-war social housing in planned estates with wide streets and grass verges. Houses contain front and rear gardens – many front gardens have since been converted into driveways. On-street and communal parking provision. **Other Key Housing Types:** Late 19th century industrial terrace and early 20th century terrace housing, inter-war and 1960s housing.

Area 26: Westfield, North Acomb and Holgate - General Character:

Mix of predominantly late Victorian terraced housing and inter-war housing estates with pockets of

		<p>mid to late 20th century development which includes social housing encircling Acomb village on all sides except the south, where medieval toft and croft boundaries remained clearly visible until post-war development.</p> <p>Dominant Housing Type: Inter-war, private housing in planned estates, horizontal emphasis, front and rear gardens, driveways and garages, generally semi-detached with bay windows and hipped roofs. Late Victorian terraced housing in linear street pattern, vertical emphasis, pitched roofs, rear yards, on-street parking</p> <p>Other Housing Types: Mid 20th century private and social housing, 1970s low rise flats and modern short terraces.</p> <p>Summary: The proposed area contains a number of distinct characteristics including different housing styles and scales.</p>
1.v)	Whether the area forms all or part of a coherent estate either for businesses or residents	<p>As explain in section 4 above the proposed boundary encompasses a mixture of different types of housing from different eras. The area also includes the Acomb District Shopping Area around Front Street.</p> <p>Summary: The proposed area contains a variety of distinct residential areas with a commercial area in the middle of the two wards.</p>
1.vi)	Whether the area is wholly or predominantly a business area	<p>The area contains a mixture of residential and non-residential uses especially in the Front Street area.</p> <p>Summary: The proposed area is not predominantly a business area.</p>
1.vii)	Whether infrastructure or physical features define a natural boundary, for	<p>The Acomb and Westfield Wards are predominantly urban in character with housing predominantly up to the urban edge of both wards with Rural West Ward beyond providing a distinct boundary. There are no</p>

	example a major road or railway line or waterway	major roads, railway lines or waterways which define the area.
1.viii)	The natural setting or features in an area	<p>The City of York Historic Characterisation Project undertaken by the Council in 2013 provides details of the natural setting of Acomb and Westfield as follows:</p> <p>Area 27: Acomb - Situated on relatively high ground overlooking the flood plain of the River Ouse with underlying drift geology of glacio-fluvial sand and gravel.</p> <p>Area 28: Acomb North - The land rises from Acomb in the south towards Boroughbridge Road</p> <p>Area 25: Acomb South - Generally flat terrain throughout with a slightly higher sand and gravel deposit to the north which includes Acomb centre.</p> <p>Area 26: Westfield, North Acomb and Holgate - Predominately higher ground consisting of underlying sands and gravels overlooking the flood plain of the River Ouse to the north east and low lying land to the south.</p> <p>Summary: There are no major natural setting or features which distinguish the area.</p>
1.ix)	The size of the population (living and working) in the area. Electoral Ward boundaries are also indicated as a useful starting point	<p>Based on the 2011 Census the Office of National Statistics considers that Acomb has a population of 8,914 and Westfield has a population of 13,611. The wards have a combined population of 22,525.</p> <p>The City of York Council Business Intelligence Hub updates the ward profiles on a regular basis and as of August 2019 the population figures for the two wards stand at:</p>

	for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents	<p>Acomb: 9269 residents, Westfield: 14,171 residents. The wards have a combined population of 23,440.</p> <p>Summary: The number of people living within the two wards is well above the 5,500 benchmark.</p>
2.	The strategic significance of sites.	The Court of Appeal (Daws Hill Neighbourhood Forum v Wycombe District Council) has confirmed that local planning authorities have the discretion to consider the strategic significance of sites as part of the factual and policy matrix in deciding whether or not such sites should be included in a proposed neighbourhood area. The emerging Local Plan has two strategic sites of significance including ST1: British Sugar / Manor School and H5 Lowfields. The applications in relation to these two sites are analysed in 1.i) above.
3.	Consultation Responses	Consultation responses are a material consideration in determining the appropriateness of a neighbourhood area. Please refer to the consultation section of this report (paragraphs 22-38)
4.	The character of the proposed Neighbourhood Area	<p>Character is considered to be a key element of the factual and policy matrix due to its inclusion in the following elements of guidance:</p> <p>a) NPPF paragraphs 126 and 131 recognise the importance of new development making a positive contribution to local character.</p> <p>b) National Planning Practice Guidance paragraph 033 Reference ID: 41-033-20140306 sets out nine considerations for deciding the boundary of a neighbourhood</p>

		<p>area. Four of these relate to the physical character of an area. These are:</p> <ul style="list-style-type: none"> i. the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style ii. whether the area forms all or part of a coherent estate either for businesses or residents iii. whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway iv. the natural setting or features in an area <p>The Character of the proposed Neighbourhood Area have been analysed in the sections 1.iv), 1.v), 1.vii) and 1.viii) of this table.</p>
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51. Based on the above assessment officers consider that the neighbourhood area applied for (shown in Annex 1) is not the most appropriate boundary for a neighbourhood plan. Government Guidance suggests that ward boundaries are a useful starting point and they suggest an average size for a neighbourhood area of around 5,500 population. The population of Acomb and Westfield wards based on the 2011 Census give an overall population of 22,525. More up to date population statistics put the current population of the two wards at 23,440 which is more than 4 times the suggested benchmark figure. The large population also means that a variety of housing types, styles and tenures exist within the proposed area which include distinct communities and community groups which may not have the same objectives and visions for the area. This view is shared by a number of the consultation comments received which make reference to the size of the population proposed to be covered by the neighbourhood plan and also the number of distinct, established communities which form separate neighbourhood areas including the Chapelfields, Foxwood and Ouse Acres areas.

52. The Council must designate some or all of the neighbourhood area applied for to be in line with Town and Country Planning Act 1990 (as amended) 61 G (5). Officers consider that the neighbourhood area proposed should be reduced in size to cover the Acomb ward area. This area is shown in Annex 3. This would reduce the size of the proposed neighbourhood area to an existing population of circa 9,200 persons and an estimated population of circa 11,700 once the

development at the Former British Sugar site has been completed. Whilst this area still includes a large population it is considered that the size would be appropriate and coherent for the purposes of producing a neighbourhood Plan.

53. A number of other options have been considered and discounted by officers as they do not comply with the regulations.

Next Steps

54. If Option 1 is approved, Acomb and Westfield Neighbourhood Forum can begin preparing the Neighbourhood Plan with appropriate advice and assistance from the Council.
55. If Option 2 or Option 3 are approved and the area is amended then the Neighbourhood Planning Forum must be asked to confirm in writing to the Council within 14 days that they are willing to act in relation to the amended area and to confirm it is still able to meet the conditions for designation set out in Section 61F of the Town and Country Planning Act 1990 (as amended) and submit an amended constitution in line with the amended area that removes references to Westfield. Subject to the above the Council will designate the forum under delegated authority by the Leader of the Council in consultation with the Assistant Director for Planning and Public Protection

Council Plan

56. The proposed Neighbourhood Plan will be a positive contribution to the Council Plan priority: *'A council that listens to residents - to ensure it delivers the services they want and works in partnership with local communities'*.

Implications

57. **Financial/Programme** – If a neighbourhood plan progresses to independent examination, the council will be required to pay for the examination and the subsequent referendum. The costs of these statutory processes will be met in part by central government funding sources from the Ministry of Housing, Communities and Local Government (MHCLG). Any shortfall will need to be accommodated within existing resource.

Human Resources – None.

Equalities – None.

Legal – The designation of Neighbourhood Plan Areas is to be made in accordance with the Neighbourhood Planning (General) Regulations 2012, the Neighbourhood Planning (General) (Amendment) Regulations 2015, the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 and the provisions of the Localism Act 2011.

Crime and Disorder – None.

Information Technology – None.

Property – None.

Risk Management

58. If the neighbourhood area is amended strong planning reasons for this must be set out and can be challenged in the courts.

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Wards Affected: Acomb and Westfield



For further information please contact the authors of the report.

Annexes:

Annex 1 – Acomb and Westfield Neighbourhood Area and Forum applications including the constitution.

Annex 2 – Redacted Responses received to the Area and Forum Consultation.

Annex 3 – Map of Proposed Revised Neighbourhood Area.