

27 June 2007

Cliff Carruthers
O'Neill Planning Associates Limited
Lancaster House
James Nicolson Link
Clifton Moor
York
YO30 4GR

Our Ref: APP/C2741/V/05/1189972
Your Ref: udp706d.clg.cc

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 77)
APPLICATION BY THE UNIVERSITY OF YORK
LAND SOUTH OF FIELD LANE, HESLINGTON, YORK
APPLICATION REF: 04/01700/OUT**

Thank you for your letter of 12 June 2007 in which you requested the Secretary of State to correct several errors in her decision letter dated 24 May 2007. Having considered this request carefully the Secretary of State has corrected her decision letter under the provisions of Section 56 of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act"). The corrections made all relate to Annex A - Planning conditions, specifically;

Condition 1 has been amended to correct the date of receipt of Plan F by substituting the words "22 September 2004" for the words "25 February 2005" and by the addition of a reference to Plan F (iv) received on 25 February 2005.

Condition 7 has been amended and corrected by the insertion in the second sentence of the word "evening", between the words "and" and "peak".

Condition 32 has been amended and corrected by the insertion of a comma between the words "maintenance" and "vehicles".

A full copy of the amended and corrected decision letter is enclosed. This letter gives the notice required under section 57(1) of the 2004 Act. Under the provisions of section 58(1) of the Act the effect of this correction notice is that the original decision is taken not to have been made and the decision is taken, for all purposes, to have been made on the date of this letter.

A separate note is enclosed setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

A copy of this letter has been sent to all parties with an interest in the application site, the City of York Council, and to all those who appeared at the inquiry.

Yours faithfully,

Richard Watson

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O'Neill Planning Associates Ltd
Lancaster House
James Nicolson Link
Clifton Moor
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YO30 4GR

27 June 2007

Our Ref: APP/C2741/V/05/1189972

Your ref: udppi603b.cc

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 77)
APPLICATION BY THE UNIVERSITY OF YORK
LAND SOUTH OF FIELD LANE, HESLINGTON, YORK
APPLICATION REF: 04/01700/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, H G Rowlands, BA(Hons), DipTP MRTPI, who held a public inquiry on dates between 25 April and 1 December 2006 into your client's application for planning permission for the development of a university campus on land south of Field Lane, Heslington, York.
2. It was directed on 14 September 2005, in pursuance of section 77 of the Town and Country Planning Act 1990, that the application be referred to the Secretary of State for decision instead of being dealt with by the relevant planning authority, the City of York Council ("the Council").

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted, subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and with his recommendation. A copy of the Inspector's report (IR) is enclosed. All paragraph references, unless otherwise stated, are to that report.

Procedural Matters

4. The Secretary of State observes that Mr Anthony J Wharton was appointed to act as assistant inspector in this case but has played no part in the preparation of the Inspector's report (IR 1). The Secretary of State also notes that Landmatch Limited, owners of part of the application site, formally withdrew their objection to the planning application on 27 March 2006 (IR 3).

5. In reaching her decision the Secretary of State has, like the Inspector (IR 35), taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State is content that the Environmental Statement (ES) complies with the above regulations and that sufficient information has been provided for her to assess the environmental impact of the application.
6. Since the close of the Inquiry the Secretary of State has received correspondence relating to this case. Correspondence was received from:
 - Dr Guy R Woolley (dated 24 January 2007)
 - Chris Hawkeswell (dated 15 April 2007)
 - Hugh Bayley MP (dated 16 April 2007)

Copies can be made available upon written request to the above address. The Secretary of State considers that the correspondence neither raised significant issues material to the application before her, nor necessitated reference back to the parties.

Policy Considerations

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Regional Spatial Strategy for Yorkshire and the Humber (RSS) to 2016 published in December 2004 and the North Yorkshire County Structure Plan Alteration No 3 adopted in October 1995 (NYCSP). The Secretary of State agrees with the Inspector that the development plan policies most relevant to this case are those set out in IR 17-21 and IR 23-31.
8. Material considerations include Planning Policy Statement (PPS) 1 "*Delivering Sustainable Development*", Planning Policy Guidance Note (PPG) 2 "*Green Belts*", PPS3 "*Housing*", PPG4 "*Industrial and Commercial Development and Small Firms*", PPS6 "*Planning for Town Centres*", PPS7 "*Sustainable Development in Rural Areas*", PPS9 "*Biodiversity and Geological Conservation*", PPG 13 "*Transport*", PPG15 "*Planning and the Historic Environment*", PPG16 "*Archaeology and Planning*", PPS23 "*Planning and Pollution Control*", PPG24 "*Planning and Noise*", PPS25 "*Development and Flood Risk*", Circular 11/95 "*The Use of Conditions in Planning Permissions*", and Circular 05/2005 "*Planning Obligations*".
9. The Secretary of State has also taken into account the emerging RSS as a material consideration. The Secretary of State notes that the independent panel submitted their Panel Report to her on 20 March 2007. She concludes that, at this stage, the emerging RSS can only be accorded limited weight.

10. The Secretary of State notes that there is no adopted Local Plan for the City of York. Whilst observing that the Council has approved the City of York Draft Local Plan (DLP) Incorporating the Fourth Set of Changes (April 2005) for development control purposes (IR 624), she agrees with the Inspector's reasoning and conclusion set out at IR 627 that, as the Council decided not to proceed to the adoption of the Local Plan, very little weight should be given to its policies for the site in the determination of this application.
11. The Secretary of State is required by section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application having regard to the development plan unless material considerations indicate otherwise. In this case, the City of York Local Plan was placed on deposit in 1998 but has not progressed to adoption. This means the Secretary of State can give it very little weight. This situation clearly creates uncertainty both for the planning authority and developers and she hopes that the City of York Council will rectify this by taking the necessary steps to adopt their Local Development Framework as soon as possible. In the meantime, the Secretary of State has gone on to consider the proposal in the light of the current development plan, national guidance and other material considerations.
12. The Secretary of State has also taken into account the consultation paper on "Planning and Climate Change", the supplement to PPS1, published for consultation in December 2006, but as that document is still in draft and may be subject to change, she affords it little weight.

Main Issues

13. The Secretary of State agrees with the Inspector that the main considerations in determining the proposal are those identified in the call-in letter and set out at IR 4 A-R. She considers these below.

Development Plan

14. The Secretary of State agrees with the Inspector that the development plan and policies therein most relevant to this application are set out at IR 618-620. She also agrees with the Inspector that the proposal conforms with the Green Belt Policies of the RSS and NYSP (IR 621). The Secretary of State notes that there is no dispute that the development of a university campus is inappropriate development in the Green Belt, and agrees with the Inspector that there are very special circumstances in this case sufficient to clearly outweigh the limited harm that would be caused to the purposes of the Green Belt (IR 621 & 662). The Secretary of State's consideration of the Green Belt issues and the very special circumstances put forward are outlined fully in paragraphs 19-22 below. For the reasons set out in IR 622, the Secretary of State agrees with the Inspector that, as the proposal would be accessible by good public transport and would form an extension to the urban area, it complies with the thrust of the relevant RSS policies.
15. The Secretary of State notes that the emerging RSS includes policies that recognise the role of York in driving the sub regional economy and that the

expansion of York University is a Regionally Significant Investment Priority. However, she agrees with the Inspector that, for the reasons set out in paragraph 9 above, only limited weight can be attached to these policies (IR 623). She also notes the Inspector's comments relating to the DLP (IR 624-626) and agrees with the Inspector, for the reasons set out in IR 627, that very little weight should be given to the DLP's policies for the site in the determination of this application.

PPS1 - Delivering Sustainable Development

16. The Secretary of State agrees with the Inspector's reasoning and conclusions on the extent to which the proposal is consistent with PPS1, as set out in IR 628-646. The Secretary of State observes that most parties accept the benefits that the University has brought to the City and the region and acknowledge the University's need to expand (IR 639). For the reasons set out in IR 633-636 the Secretary of State agrees with the Inspector and accepts that the proposed new campus is required in the proposed location because there are no other suitable sites available and because the location has sustainability advantages. The Secretary of State also agrees with the Inspector that it is not possible to develop within the existing Heslington West campus where many departments are at capacity now and the scope for additional development is limited (IR 638 & 651-654).
17. For the reasons set out in IR 641-642, the Secretary of State agrees with the Inspector that, overall, given the location of the site and its relationship to existing development in the area, the environment of the area would not be harmed by the proposed development. She also agrees with the Inspector (IR 643-645) that the proposal would not have such a pre-determinative effect as to render it premature in terms of PPS1.
18. Whilst noting that the character of the application site would be changed by the proposed development, the Secretary of State agrees with the Inspector that the overall character of the area would not be harmed (IR 646). She also agrees with the Inspector that there is no reason why the development should not achieve a high standard of design, consistent with advice from CABE (IR 646).

PPG2 - Green Belt

19. The Secretary of State agrees with the Inspector's reasoning surrounding the status of the Green Belt around York and whether it is reasonable to treat the site as if it lies within the Green Belt (IR 647-648). She also agrees with his conclusion, set out in IR 648, that there is no reason to question its inclusion in the Green Belt.
20. The Secretary of State agrees with the Inspector that the very special circumstances put forward by the University are only capable of becoming very special circumstances if there are no suitable alternative means of accommodating the proposed development on land that is not located within the Green Belt (IR 649-650). For the reasons set out in IR 651-661, the Secretary of State agrees with the Inspector's conclusion that, in combination,

the educational need for the University to expand, the considerable economic benefits to the City and the region that would be derived from the expansion of the University, and the absence of alternative sites, are together very special circumstances when weighed against the harm caused to the purposes of the Green Belt and any other harm resulting from the development (IR 662). She further agrees that the collection of benefits put forward by the University that mitigate the harm through inappropriate development within the Green Belt do not, in themselves, add to the very special circumstances (IR 663).

21. For the reasons set out in IR 664, the Secretary of State agrees with the Inspector that the development would not result in urban sprawl, would not set a precedent for other forms of inappropriate development within the Green Belt and it would be contained within clearly defined physical boundaries.
22. The Secretary of State agrees with the Inspector's reasoning in IR 665-668 and concludes that the proposed development would not conflict with the purposes of including land in the Green Belt, as set out in PPG2.

PPS3 - Housing

23. The Secretary of State notes that, when evidence relating to housing was presented at the inquiry, PPG3 was the national planning guidance on housing. It has subsequently been replaced by PPS3. The Secretary of State does not consider that the deletion of PPG3 and its replacement by PPS3 raises any new issues that require reference back to parties.
24. The Secretary of State agrees with the Inspector's reasoning and conclusion that previously developed sites within the City are more appropriately reserved for general housing, employment and other developments of benefit to the wider community (IR 669). She also agrees with the Inspector, for the reasons set out in IR 670, that the development would be accessible by a range of transport modes. The Secretary of State agrees with the Inspector that, having regard to the location of the application site on the periphery of the urban area, and the importance of maintaining the setting of the historic City and the setting of Heslington Conservation Area and its listed buildings, a higher density of development within the proposed campus would not be appropriate (IR 671). The Secretary of State notes that the provision of 1500 car parking spaces is below the level indicated by either PPG3 or PPG13. She agrees with the Inspector that this reduced level of provision represents an efficient use of land (IR672).
25. The Secretary of State agrees with the Inspector's conclusion that a standard of design can be achieved on the application site which maintains the quality of the local environment and the setting of the City (IR 673).
26. The Secretary of State agrees with the Inspector's overall conclusion that the proposal is consistent with the advice in PPG3 and with that contained in PPS3 (IR 674).

27. The Secretary of State observes that some local residents are concerned with the effect of the proposed increase in student numbers on the operation of the housing market and on residential amenity (IR 675). She notes the Inspector's reasoning in IR 676-679 and agrees with him that the key factor in respect of this issue is that the proposal would provide for up to six new colleges which could accommodate up to 3,600 students. Additionally, the Section 106 Agreement provides an undertaking to meet the demand for accommodation from all full-time, non-home based students, subject to the caveat that it is economically prudent to do so. The Secretary of State agrees with the Inspector's reasoning and conclusion (IR675-681) that the proposed new campus should not significantly alter any adverse effects that the local community may experience as a result of the presence of the University.

PPG4 - Industrial, Commercial Development and Small Firms

28. The Secretary of State agrees with the Inspector's reasoning on the extent to which the proposed development is consistent with PPG4, as set out in IR 683-687 and agrees with his conclusion that the development conforms with the advice in PPG4 (IR 688).

PPS6 – Planning for Town Centres

29. The Secretary of State agrees with the Inspector that PPS6 guidance is of limited relevance to the proposal (IR 689) and agrees with his conclusion that, in so far as PPS6 applies to the proposed development, the proposal would not undermine the objectives of national planning policy (IR 692).

PPS7 - Sustainable Development in Rural Areas

30. For the reasons set out in IR 693-699, the Secretary of State agrees with the Inspector and does not consider that the proposed development undermines the objectives of PPS7 having regard to the fact that alternative sites in more sustainable locations are not available (IR 700).

PPS9 - Biodiversity and Geological Conservation

31. The Secretary of State notes that the application site is not identified as being a Site of Special Scientific Interest, a Geological Conservation Site, or a Regionally Important Geological and Geomorphological Site and agrees with the Inspector (IR 702) that the development would not have an adverse impact on the local geology.
32. Whilst accepting that the proposed development would have some negative impact on species that thrive on open agricultural land (IR 704), the Secretary of State agrees with the Inspector that there would be no negative impact on any site of international, national or local biodiversity interest and no negative impacts on any species as specifically protected under the Habitats Directive and the Wildlife and Countryside Act 1981. She concludes, like the Inspector, that the proposal is in conformity with the advice in PPS9 (IR 705).

PPG13 - Transport

33. The Secretary of State notes that the site is not in an intrinsically sustainable location in so far as it is located on the southern edge of the City (IR 707). However, she agrees with the Inspector that there are no available alternative sites in more accessible locations. The combination of uses within one extended university campus would also reduce the need to travel compared with the situation if the proposed new university facilities were to be located on a number of sites within the City (IR 707).
34. For the reasons set out in IR 708-719, the Secretary of State agrees with the Inspector's conclusion (IR 720) that, overall, the proposed development complies with the objectives of the guidance in PPG13.

PPG 15 - Planning and the Historic Environment

35. The Secretary of State notes the requirement to consider the desirability of preserving the setting of the two listed buildings affected by the development, Heslington Hall and Heslington church (IR 723), as well as the desirability of preserving or enhancing the character of a conservation area (IR 725).
36. For the reasons set out in IR 725-732, the Secretary of State agrees with the Inspector's conclusion in IR 733 that, while some elements of the proposed development would have an adverse effect on the setting of the Church and the character and appearance of the Conservation Area, the area would benefit from the enhancement of the setting of Heslington Hall. She also agrees that, on balance, the overall effect on the character and appearance of the area and the setting of its listed buildings would be neutral. The Secretary of State agrees that the development is consistent with the advice in PPG15 (IR 733).

PPG16 - Archaeology and Planning

37. The Secretary of State agrees with the Inspector's conclusion in IR 734 that the development need not have an adverse impact on archaeological remains subject to appropriate mitigation measures being implemented, and that the proposal complies with the advice in PPG16.

PPG17 - Planning for Open Space

38. The Secretary of State agrees with the Inspector that the proposal would meet some of the identified deficiencies in provision and furthers the objectives of PPG17 (IR 736). She also agrees that the provision of the proposed additional facilities would make the University more attractive to potential students, and so help to retain its status (IR 737).

PPS23 - Planning and Pollution Control

39. The Secretary of State agrees with the Inspector, for the reasons given in IR738-742, that given the mitigation measures imposed by condition, the proposal would be consistent with the advice in PPS23.

PPG24 - Planning and Noise

40. The Secretary of State agrees with the Inspector's reasoning in IR743-746 and agrees that the proposal would not have an unacceptable impact on noise and is consistent with the advice in PPG24.

PPS25 - Development and Flood Risk

41. The Secretary of State notes in IR747 that, when evidence pertaining to flood risk was presented at the inquiry, PPG25 was the national planning guidance on development and flood risk. PPG25 has subsequently been replaced by PPS25. The Secretary of State agrees with the Inspector in IR747 that the development and flood risk issues remain as originally identified by the Secretary of State and considered at the inquiry. She therefore concludes that the deletion of PPG25 and its replacement by PPS25 does not raise any issues that require a reference back to parties.
42. For the reasons given in IR747-749, the Secretary of State agrees with the Inspector that the proposal is consistent with the advice in PPS25. She further agrees with the Inspector in IR750 that a drainage system could be designed that should ensure the hydrology of the lake would be sustainable.

Other Matters

Condition and Obligations

43. The Secretary of State agrees with the Inspector's reasoning and conclusions on planning conditions and the s106 agreement, as set out in IR 610-616. Overall, she considers that the proposed conditions are reasonable and necessary and meet the tests of Circular 11/95. The Secretary of State also considers that the signed and dated s106 Agreement, submitted and discussed at the inquiry, is both necessary and relevant to the proposed development and meets the policy tests of Circular 05/2005.

Overall conclusions

44. The Secretary of State agrees that a University campus is not an appropriate form of development in the Green Belt, and it is therefore necessary to consider whether there are very special circumstances that clearly outweigh the harm that the development would cause to the purposes of including land within the Green Belt, and any other harm. For the reasons given above, the Secretary of State considers that there are very special circumstances which outweigh the harm and that there are no alternative sites which are suitable and viable for the proposed development.

Formal Decision

45. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby grants planning permission for the development of a university campus on land south of Field Lane, Heslington, York, in accordance with application number 04/01700/OUT, dated 30 April 2004, subject to the conditions appended in Annex A.
46. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the local planning authority fail to give notice of their decision within the prescribed period.
47. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than that required under section 57 of the Town and Country Planning Act 1990.
48. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

49. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court.
50. A copy of this letter has been sent to the City of York Council and all parties who appeared at the inquiry and expressed an interest in receiving a copy of the decision.

Yours faithfully,

Richard Watson

Authorised by the Secretary of State to sign in that behalf

Annex A - Planning conditions

Condition 1

The development shall not be carried out otherwise than in complete accordance with the plans as originally submitted and later amended by the revised drawings or in accordance with any minor modification there of that may be approved in writing by the Local Planning Authority. The approved plans are as listed below and received by the Local Planning Authority on the date indicated:

Plan A received 30 April 2004

Plan C (i) received on 30 April 2004

Plan C (ii) received on 30 April 2004

Plan C (iii) received on 30 April 2004

Plan F (i) received on 30 April 2004

Plan F (iii) received on 30 April 2004

Plan F (ii) A received on 22 September 2004

Plan F (iv) received on 25 February 2005

Plan F (v) received on 22 September 2004

Plan 2 received on 15 February 2005 (construction access and haul routes)

Plan 6 received on 15 February 2005 (works to Grimston Bar junction)

Plan 3 dated 30 November 2004 (parking survey areas)

Condition 2

Approval of the details of the siting, design, external appearance of the buildings and the landscaping of the site (to include re-profiling of ground levels) (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before the development to which the submitted details relate is commenced.

Condition 3

All reserved matters shall be submitted to the Local Planning Authority for approval not later than the expiration of twenty years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Condition 4

The development shall be in accordance with submitted plan C (i) and the developed footprint within the allocated area as shown on Plan C (i) shall not exceed 23% of that area. Developed footprint comprises buildings, car parks and access roads. Access roads are to be defined with the approval of the design brief required in condition 11.

Condition 5

Development on the site will be restricted to University uses, including the following:

- (a) Academic, teaching, research and continuing professional development uses
- (b) Housing for University of York staff and students
- (c) Arts, cultural, sports and social facilities ancillary to the above uses
- (d) Uses ancillary to the University
- (e) Conferences

(f) Uses which are knowledge based activities, including Science City York Uses, that can demonstrate that they need to be located on the site due to aspects such as sharing of research and development ideas, resources or personnel, or undertaking of research activities within the University of York

(g) Necessary Support Services to uses included in (f) above, including financial, legal and other professional and technical services occupying no more than 10% of the total floor space reserved under (f) above.

Science City York Uses that will be acceptable on the site are defined as being those:

(i) which operate within a high technology sector and/or engage in innovative activities; and

(ii) which have a focus on research and development, product or process design, applications engineering, high level technical support or consultancy; and

(iii) where a minimum of 15% of the staff employed are qualified scientists or engineers. (Qualified scientists or engineers are those qualified to at least graduate level in physical, biological, social sciences or humanities disciplines related to the work of Science City York).

The developer shall maintain a register of the uses under (f) and (g) above which are located on the site and this shall show how each use complies with the criteria set out in (f) and (g). Such register shall be available for inspection by the Local Planning Authority at all reasonable times.

Those uses identified as falling within (f) and (g) shall occupy no more than 25 hectares (at 23% of developed footprint) of the 'allocated area' as shown on submitted Plan C(i).

Condition 6

The developer will undertake an annual survey of traffic travelling to and from the University together with a survey of traffic through the following three principal junctions:

Grimston Bar Roundabout/A64 junction

Melrosegate/Hull Road traffic signal controlled junction; and

Fulford Road/Heslington Lane traffic signal controlled junction.

The surveys will be undertaken in the period between 07.00 hours and 19.00 hours on a weekday and month approved by the Local Planning Authority. The first such survey shall be undertaken before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan). The developer will determine by reference to the surveys the volume of University related traffic through the junctions. Using the forecasts of traffic generation and distribution for the University from the submitted transport assessment the developer will develop a traffic model to predict traffic flows related to the University at each of the junctions in accordance with a phased programme agreed with the Local Planning Authority.

In addition, prior to the development commencing and annually thereafter, the developer will undertake a survey of traffic at the junction between University Road/Field Lane/Main Street South/Main Street West.

The results of the surveys and the current predictions shall be submitted to the Local Planning Authority within 3 months of the date of the surveys and shall be used to accompany applications submitted for approval of reserved matters for buildings as set out in condition 7.

Condition 7

Every application for approval of reserved matters for a building of floorspace greater than 500 sqm will be accompanied by a comparison of the predicted traffic flows related to the University (obtained from the traffic model) with the volumes derived from actual surveys of traffic flows related to the University, carried out as required by condition 6. If the actual surveyed traffic volumes related to the University at the three principal junctions identified in condition 6 are more than 5% higher than the predicted traffic flows in the morning and evening peak periods, the developer shall prepare details of mitigation measures and an associated implementation programme to reduce the actual traffic flows to the predicted levels. The agreed mitigation measures shall be submitted to the Local Planning Authority for approval and implemented by the developer. For the avoidance of doubt the peak hours above shall be considered to be between 08.00 and 09.00 hours and 17.00 and 18.00 hours during the working week within University and school term time.

Condition 8

Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), details for the implementation, monitoring and review of the submitted Sustainable Travel Plan for the University (outline planning application Document 3.3) shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include early implementation of the peripheral parking strategy and University Transit System, provision of information on sustainable travel, targets for mode share, timescales for implementation, monitoring and reporting on the Plan.

Condition 9

No more than 500 parking spaces may be brought into use upon the occupation of the first building. Additional parking spaces up to the 1500 approved by this permission may be brought into use if:

- (i) the details of location and construction of the permitted car park spaces are submitted to and approved in writing by the Local Planning Authority; and
- (ii) they are parking spaces which have been relocated from the existing University campus in accordance with proposals in the submitted transport assessment; or
- (iii) their being brought into use will not increase the traffic generated by the proposed development in the peak hours at the three principal junctions identified in condition 6 by more than 5% above the predicted levels as calculated in accordance with condition 6.

Condition 10

Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), the developer will carry out a survey of current on-street parking on highways within the area shown on plan 3 and thereafter repeat the survey annually. The surveys shall be carried out to a specification and at a time agreed with the Local Planning Authority.

Within 3 months of the annual survey being carried out, the developer will review the on street parking survey results and submit the review to the Local Planning Authority to demonstrate whether the volume of on-street parking in any of the areas shown on plan 3 has increased by more than 20% of the first annual survey as a consequence of the development.

If this percentage figure is exceeded then remedial measures agreed with the Local Planning Authority shall be undertaken.

Condition 11

Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), a detailed Design Brief including a masterplan shall be submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with the planning policies in the Development Plan and the adopted Development Brief dated February 2004 and the plans hereby approved. The design brief shall include:

- Building heights
- Key views as defined in figure 5 of the adopted Development Brief
- External materials palette
- External lighting design
- Designation of character areas as outlined in submitted plan C (i)

- Access roads

- A sustainability strategy for the site developed from requirements of the Development Plan and adopted Development Brief and the applicant's submitted sustainability policy (contained in Document 2 of the submitted outline planning application). The strategy should be consistent with the York Local Agenda 21 Sustainability Strategy.

The 'reserved matters' should be submitted in accordance with the approved Design Brief.

The approved Design Brief may be revised subject to the written approval of the Local Planning Authority.

Condition 12

Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), a Landscape Design Brief shall be submitted to, and approved in writing by the Local Planning Authority. The Landscape Design Brief shall include those measures incorporated into the submitted Environmental Statement. Subsequent reserved matters applications for the approval of the detail of landscaping on the site shall be submitted in accordance with the approved Landscape Design Brief. The approved Landscape Design Brief may be revised subject to the written approval of the Local Planning Authority.

Condition 13

Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan will include proposals for survey and protection of trees on site. Subsequent reserved matters applications for approval of the details of landscaping on the site shall be implemented and managed in accordance with the approved Landscape Management Plan. The approved Management Plan may be revised subject to the written approval of the Local Planning Authority.

Condition 14

Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Condition 15

Before the commencement of development, an Environmental Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Site Management Plan shall include:

- (i) provision for protection of water resources during construction activities and thereafter during the operation of the site;
- (ii) proposals for the interim use of land prior to its development;
- (iii) implementation and future management of the proposed ecological mitigation measures;
- (iv) implementation and future management of proposed habitat and species enhancement measures.

These measures shall be implemented in accordance with an agreed programme unless otherwise agreed in writing with the Local Planning Authority. The Environmental Site Management Plan shall be reviewed every 5 years from first approval and any amendments agreed in writing with the Local Planning Authority. Any alterations to the measures in the approved Environmental Site Management Plan during any interim period shall be subject to the prior written approval of the Local Planning Authority.

Condition 16

No building or other obstruction shall be located within 5 metres either side of the centre line of the 700 mm water main that crosses the southern edge of site i.e. a total protection strip width of 10 metres.

Condition 17

Before the commencement of development details showing the methodology for protection of the 300 mm water main that runs to the south of the Hull Road access shall be submitted to and approved in writing by the Local Planning Authority, and these protection measures retained in place at all times thereafter.

Condition 18

No building or other obstruction shall be located within 3 metres either side of the centre lines of existing public sewers i.e. total protection strip widths of 6 metres for each sewer that crosses the site

Condition 19

Development shall not begin until an assessment has been carried out into the potential for disposing of surface water by means of a sustainable drainage scheme, in accordance with the principles of sustainable drainage systems set out in national planning policy statements, and the results of that assessment have been provided to the Local Planning Authority. The assessment shall take into account the design storm period and intensity; methods to delay and control the surface water discharged from the site; and, measures to prevent pollution of the receiving groundwater and/or surface waters.

Surface water drainage works shall be carried out in accordance with details that have been submitted to and approved in writing by the Local Planning Authority before the development commences. Those details shall include a programme for implementing the works. Where, in the light of the assessment the Local Planning Authority conclude that a sustainable drainage scheme should be implemented, details of the works shall specify:

i) a management and maintenance plan, for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime; and

ii) the responsibilities of each party, for implementation of the sustainable drainage scheme, together with a timetable for that implementation.

There shall be no piped discharge of surface water from the development prior to the completion of the approved sustainable drainage scheme.

Condition 20

Before any works commence on the construction of any building, details of the proposed means of disposal of foul drainage from the site shall be submitted to and approved in writing by the Local Planning Authority, and subsequently implemented in accordance with the approved details.

Condition 21

All noise generated during the site preparation, groundwork and construction phases associated ancillary operations of the use hereby permitted shall meet the following criteria:

LOCATION	MAXIMUM LIMIT	TIME PERIOD
Western boundary of site adjacent to school's outside playing area	50 dB Laeq (30 minutes)	During the School Day
The gardens of dwellings at: (a) western boundary of site on The Crescent (b) northern boundary of the site on Field Lane	70 dBA (1 hour)	A continuous period of up to eight weeks in any calendar year, without the prior written notice of the Local Planning Authority
The gardens of dwellings at: (a) western boundary of site on The Crescent (b) northern boundary of the site on Field Lane	Not exceeding background noise levels	Before 0800 and after 1800 hours Monday to Friday Before 0900 and after 1300 hours on Saturdays At all times on Sundays and Bank Holidays
Within occupied residential buildings on the site	Not exceeding background noise levels	Before 0800 and after 1800 hours Monday to Friday Before 0900 and after 1300 hours on Saturdays At all times on Sundays and Bank Holidays

Before the commencement of development the developer will carry out an acoustic survey of the site boundaries at locations agreed with the Local Planning Authority to establish background noise levels.

Before the commencement of development the developer will submit a scheme to the Local Planning Authority setting out the means of regular monitoring of the noise levels at the agreed locations and this shall be approved in writing by the Local Planning Authority and implemented before the commencement of development.

Condition 22

Details of all machinery plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum sound levels (LA_{max}(f)) and average sound levels (LA_{eq}), octave band noise levels and any proposed mitigation measures. All such approved machinery, plant and equipment shall subsequently be used on the site in accordance with the agreed details. Any approved noise mitigation measures shall

be fully implemented and operational before the associated machinery, plant or equipment to which it relates is first used and shall be appropriately maintained thereafter.

Condition 23

Outside the development area shown as 'allocated area' on submitted Plan A, no temporary works, materials storage or ancillary operations, other than those relating to development hereby permitted outside the allocated development area as shown on the submitted Plan A, shall be carried out.

Condition 24

Construction traffic to the 'allocated area' as shown on submitted plan C (i) shall only enter and leave from accesses to the public highway as shown on submitted Plan 2.

Condition 25

Notwithstanding the approved plans, construction details of the following matters shall be submitted to and approved in writing by the Local Planning Authority before being implemented on the application site in accordance with the approved details:

- Roads and junctions including signalling
- Footpaths
- Cycleways and cycle parking
- Car parking
- External lighting
- Routes for construction traffic and construction site working areas for the access roads and car parking outside the allocated site.

Such submissions and approvals may cover the whole or any part of the application site.

Condition 26

Before the commencement of development, an Archaeological Remains Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall subsequently be implemented. The Archaeological Remains Management Plan shall include the following:

- (i) A strategy for further evaluation work (to include metal detecting survey, geophysical survey and archaeological trenches) directed at understanding the seven less significant areas identified in YAT Report Number 2004/23 'Heslington East, Heslington York: a report on archaeological evaluation';
- (ii) An archaeological excavation and metal detecting survey targeted on the three most significant areas identified in YAT Report Number 2004/23 'Heslington East, Heslington York: a report on archaeological evaluation' and any other important areas identified by further evaluation work in item (i) above;
- (iii) A clear research design context for all further archaeological work;

(iv) A programme of physical and intellectual access during the lifetime of the project for the general public, the local community and schools and colleges, universities and other educational groups;

(v) A timetable for archive deposition and publication.

Such approved Archaeological Remains Management Plan may be revised subject to the approval of the Local Planning Authority.

Condition 27

Details of the proposed re-routing of the overhead power lines shall be submitted to and approved in writing by the Local Planning Authority prior to such works commencing. Re-routing shall be carried out in accordance with the approved details.

Condition 28

Before any works commence on the construction of any building an area plan to show the relationship of the building with surrounding development (built form and use) shall have been approved in writing by the Local Planning Authority.

Condition 29

Each reserved matters application will be accompanied by a statement on sustainability to demonstrate conformity with the approved sustainability strategy contained within the approved Design Brief.

Condition 30

All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

Condition 31

Any ground contamination detected during site works shall be reported to the Local Planning Authority. A programme of remediation for the contamination shall be agreed with the Local Planning Authority in writing and fully implemented prior to any further development on that part of the site.

Condition 32

The proposed western access to the allocated area from Field Lane shown on Plan F (ii) revision A shall not be used for any motorised vehicle other than for the purpose of emergency access, maintenance, vehicles operating in connection with the University Transit System for the movement of people and any other types of vehicle the use of which is agreed in writing with the Local Planning Authority prior to its use.

Condition 33

The central access from Field Lane shown on Plan F (i) shall be utilised as access to no more than 150 car parking spaces.

Condition 34

Notwithstanding the approved plans, a fully detailed scheme of foundation design and construction for any development on the former landfill area outlined by the thin solid red line in figure 19.3.1 of the Environment Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development within that area. The approved scheme shall be fully implemented prior to the area coming into use.

Condition 35

Before the commencement of development, a method of sampling and validation of imported and excavated ground materials shall be submitted to and approved in writing by the Local Planning Authority to ensure that such materials that are used on site are not contaminated. This should include details of the origin of such materials.

Cliff Carruthers
O'Neill Planning Associates Ltd
Lancaster House
James Nicolson Link
Clifton Moor
York
YO30 4GR

24 May 2007

Our Ref: APP/C2741/V/05/1189972

Your ref: udppi603b.cc

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 77)
APPLICATION BY THE UNIVERSITY OF YORK
LAND SOUTH OF FIELD LANE, HESLINGTON, YORK
APPLICATION REF: 04/01700/OUT**

I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, H G Rowlands, BA(Hons), DipTP MRTPI, who held a public inquiry on dates between 25 April and 1 December 2006 into your client's application for planning permission for the development of a university campus on land south of Field Lane, Heslington, York.

2. It was directed on 14 September 2005, in pursuance of section 77 of the Town and Country Planning Act 1990, that the application be referred to the Secretary of State for decision instead of being dealt with by the relevant planning authority, the City of York Council ("the Council").

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted, subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and with his recommendation. A copy of the Inspector's report (IR) is enclosed. All paragraph references, unless otherwise stated, are to that report.

Procedural Matters

4. The Secretary of State observes that Mr Anthony J Wharton was appointed to act as assistant inspector in this case but has played no part in the preparation of the Inspector's report (IR 1). The Secretary of State also notes that Landmatch Limited, owners of part of the application site, formally withdrew their objection to the planning application on 27 March 2006 (IR 3).

5. In reaching her decision the Secretary of State has, like the Inspector (IR 35), taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State is content that the Environmental Statement (ES) complies with the above regulations and that sufficient information has been provided for her to assess the environmental impact of the application.
6. Since the close of the Inquiry the Secretary of State has received correspondence relating to this case. Correspondence was received from:
 - Chris Hawkeswell (dated 15 April 2007)
 - Hugh Bayley MP (dated 16 April 2007)

Copies can be made available upon written request to the above address. The Secretary of State considers that the correspondence neither raised significant issues material to the application before her, nor necessitated reference back to the parties.

Policy Considerations

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Regional Spatial Strategy for Yorkshire and the Humber (RSS) to 2016 published in December 2004 and the North Yorkshire County Structure Plan Alteration No 3 adopted in October 1995 (NYCSP). The Secretary of State agrees with the Inspector that the development plan policies most relevant to this case are those set out in IR 17-21 and IR 23-31.
8. Material considerations include Planning Policy Statement (PPS) 1 "*Delivering Sustainable Development*", Planning Policy Guidance Note (PPG) 2 "*Green Belts*", PPS3 "*Housing*", PPG4 "*Industrial and Commercial Development and Small Firms*", PPS6 "*Planning for Town Centres*", PPS7 "*Sustainable Development in Rural Areas*", PPS9 "*Biodiversity and Geological Conservation*", PPG 13 "*Transport*", PPG15 "*Planning and the Historic Environment*", PPG16 "*Archaeology and Planning*", PPS23 "*Planning and Pollution Control*", PPG24 "*Planning and Noise*", PPS25 "*Development and Flood Risk*", Circular 11/95 "*The Use of Conditions in Planning Permissions*", and Circular 05/2005 "*Planning Obligations*".
9. The Secretary of State has also taken into account the emerging RSS as a material consideration. The Secretary of State notes that the independent panel submitted their Panel Report to her on 20 March 2007. She concludes that, at this stage, the emerging RSS can only be accorded limited weight.
10. The Secretary of State notes that there is no adopted Local Plan for the City of York. Whilst observing that the Council has approved the City of York Draft

Local Plan (DLP) Incorporating the Fourth Set of Changes (April 2005) for development control purposes (IR 624), she agrees with the Inspector's reasoning and conclusion set out at IR 627 that, as the Council decided not to proceed to the adoption of the Local Plan, very little weight should be given to its policies for the site in the determination of this application.

11. The Secretary of State is required by section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application having regard to the development plan unless material considerations indicate otherwise. In this case, the City of York Local Plan was placed on deposit in 1998 but has not progressed to adoption. This means the Secretary of State can give it very little weight. This situation clearly creates uncertainty both for the planning authority and developers and she hopes that the City of York Council will rectify this by taking the necessary steps to adopt their Local Development Framework as soon as possible. In the meantime, the Secretary of State has gone on to consider the proposal in the light of the current development plan, national guidance and other material considerations.
12. The Secretary of State has also taken into account the consultation paper on "Planning and Climate Change", the supplement to PPS1, published for consultation in December 2006, but as that document is still in draft and may be subject to change, she affords it little weight.

Main Issues

13. The Secretary of State agrees with the Inspector that the main considerations in determining the proposal are those identified in the call-in letter and set out at IR 4 A-R. She considers these below.

Development Plan

14. The Secretary of State agrees with the Inspector that the development plan and policies therein most relevant to this application are set out at IR 618-620. She also agrees with the Inspector that the proposal conforms with the Green Belt Policies of the RSS and NYSP (IR 621). The Secretary of State notes that there is no dispute that the development of a university campus is inappropriate development in the Green Belt, and agrees with the Inspector that there are very special circumstances in this case sufficient to clearly outweigh the limited harm that would be caused to the purposes of the Green Belt (IR 621 & 662). The Secretary of State's consideration of the Green Belt issues and the very special circumstances put forward are outlined fully in paragraphs 19-22 below. For the reasons set out in IR 622, the Secretary of State agrees with the Inspector that, as the proposal would be accessible by good public transport and would form an extension to the urban area, it complies with the thrust of the relevant RSS policies.
15. The Secretary of State notes that the emerging RSS includes policies that recognise the role of York in driving the sub regional economy and that the expansion of York University is a Regionally Significant Investment Priority. However, she agrees with the Inspector that, for the reasons set out in

paragraph 9 above, only limited weight can be attached to these policies (IR 623). She also notes the Inspector's comments relating to the DLP (IR 624-626) and agrees with the Inspector, for the reasons set out in IR 627, that very little weight should be given to the DLP's policies for the site in the determination of this application.

PPS1 - Delivering Sustainable Development

16. The Secretary of State agrees with the Inspector's reasoning and conclusions on the extent to which the proposal is consistent with PPS1, as set out in IR 628-646. The Secretary of State observes that most parties accept the benefits that the University has brought to the City and the region and acknowledge the University's need to expand (IR 639). For the reasons set out in IR 633-636 the Secretary of State agrees with the Inspector and accepts that the proposed new campus is required in the proposed location because there are no other suitable sites available and because the location has sustainability advantages. The Secretary of State also agrees with the Inspector that it is not possible to develop within the existing Heslington West campus where many departments are at capacity now and the scope for additional development is limited (IR 638 & 651-654).
17. For the reasons set out in IR 641-642, the Secretary of State agrees with the Inspector that, overall, given the location of the site and its relationship to existing development in the area, the environment of the area would not be harmed by the proposed development. She also agrees with the Inspector (IR 643-645) that the proposal would not have such a pre-determinative effect as to render it premature in terms of PPS1.
18. Whilst noting that the character of the application site would be changed by the proposed development, the Secretary of State agrees with the Inspector that the overall character of the area would not be harmed (IR 646). She also agrees with the Inspector that there is no reason why the development should not achieve a high standard of design, consistent with advice from CABE (IR 646).

PPG2 - Green Belt

19. The Secretary of State agrees with the Inspector's reasoning surrounding the status of the Green Belt around York and whether it is reasonable to treat the site as if it lies within the Green Belt (IR 647-648). She also agrees with his conclusion, set out in IR 648, that there is no reason to question its inclusion in the Green Belt.
20. The Secretary of State agrees with the Inspector that the very special circumstances put forward by the University are only capable of becoming very special circumstances if there are no suitable alternative means of accommodating the proposed development on land that is not located within the Green Belt (IR 649-650). For the reasons set out in IR 651-661, the Secretary of State agrees with the Inspector's conclusion that, in combination, the educational need for the University to expand, the considerable economic benefits to the City and the region that would be derived from the expansion

of the University, and the absence of alternative sites, are together very special circumstances when weighed against the harm caused to the purposes of the Green Belt and any other harm resulting from the development (IR 662). She further agrees that the collection of benefits put forward by the University that mitigate the harm through inappropriate development within the Green Belt do not, in themselves, add to the very special circumstances (IR 663).

21. For the reasons set out in IR 664, the Secretary of State agrees with the Inspector that the development would not result in urban sprawl, would not set a precedent for other forms of inappropriate development within the Green Belt and it would be contained within clearly defined physical boundaries.
22. The Secretary of State agrees with the Inspector's reasoning in IR 665-668 and concludes that the proposed development would not conflict with the purposes of including land in the Green Belt, as set out in PPG2.

PPS3 - Housing

23. The Secretary of State notes that, when evidence relating to housing was presented at the inquiry, PPG3 was the national planning guidance on housing. It has subsequently been replaced by PPS3. The Secretary of State does not consider that the deletion of PPG3 and its replacement by PPS3 raises any new issues that require reference back to parties.
24. The Secretary of State agrees with the Inspector's reasoning and conclusion that previously developed sites within the City are more appropriately reserved for general housing, employment and other developments of benefit to the wider community (IR 669). She also agrees with the Inspector, for the reasons set out in IR 670, that the development would be accessible by a range of transport modes. The Secretary of State agrees with the Inspector that, having regard to the location of the application site on the periphery of the urban area, and the importance of maintaining the setting of the historic City and the setting of Heslington Conservation Area and its listed buildings, a higher density of development within the proposed campus would not be appropriate (IR 671). The Secretary of State notes that the provision of 1500 car parking spaces is below the level indicated by either PPG3 or PPG13. She agrees with the Inspector that this reduced level of provision represents an efficient use of land (IR672).
25. The Secretary of State agrees with the Inspector's conclusion that a standard of design can be achieved on the application site which maintains the quality of the local environment and the setting of the City (IR 673).
26. The Secretary of State agrees with the Inspector's overall conclusion that the proposal is consistent with the advice in PPG3 and with that contained in PPS3 (IR 674).
27. The Secretary of State observes that some local residents are concerned with the effect of the proposed increase in student numbers on the operation of

the housing market and on residential amenity (IR 675). She notes the Inspector's reasoning in IR 676-679 and agrees with him that the key factor in respect of this issue is that the proposal would provide for up to six new colleges which could accommodate up to 3,600 students. Additionally, the Section 106 Agreement provides an undertaking to meet the demand for accommodation from all full-time, non-home based students, subject to the caveat that it is economically prudent to do so. The Secretary of State agrees with the Inspector's reasoning and conclusion (IR675-681) that the proposed new campus should not significantly alter any adverse effects that the local community may experience as a result of the presence of the University.

PPG4 - Industrial, Commercial Development and Small Firms

28. The Secretary of State agrees with the Inspector's reasoning on the extent to which the proposed development is consistent with PPG4, as set out in IR 683-687 and agrees with his conclusion that the development conforms with the advice in PPG4 (IR 688).

PPS6 – Planning for Town Centres

29. The Secretary of State agrees with the Inspector that PPS6 guidance is of limited relevance to the proposal (IR 689) and agrees with his conclusion that, in so far as PPS6 applies to the proposed development, the proposal would not undermine the objectives of national planning policy (IR 692).

PPS7 - Sustainable Development in Rural Areas

30. For the reasons set out in IR 693-699, the Secretary of State agrees with the Inspector and does not consider that the proposed development undermines the objectives of PPS7 having regard to the fact that alternative sites in more sustainable locations are not available (IR 700).

PPS9 - Biodiversity and Geological Conservation

31. The Secretary of State notes that the application site is not identified as being a Site of Special Scientific Interest, a Geological Conservation Site, or a Regionally Important Geological and Geomorphological Site and agrees with the Inspector (IR 702) that the development would not have an adverse impact on the local geology.
32. Whilst accepting that the proposed development would have some negative impact on species that thrive on open agricultural land (IR 704), the Secretary of State agrees with the Inspector that there would be no negative impact on any site of international, national or local biodiversity interest and no negative impacts on any species as specifically protected under the Habitats Directive and the Wildlife and Countryside Act 1981. She concludes, like the Inspector, that the proposal is in conformity with the advice in PPS9 (IR 705).

PPG13 - Transport

33. The Secretary of State notes that the site is not in an intrinsically sustainable location in so far as it is located on the southern edge of the City (IR 707). However, she agrees with the Inspector that there are no available alternative sites in more accessible locations. The combination of uses within one extended university campus would also reduce the need to travel compared with the situation if the proposed new university facilities were to be located on a number of sites within the City (IR 707).
34. For the reasons set out in IR 708-719, the Secretary of State agrees with the Inspector's conclusion (IR 720) that, overall, the proposed development complies with the objectives of the guidance in PPG13.

PPG 15 - Planning and the Historic Environment

35. The Secretary of State notes the requirement to consider the desirability of preserving the setting of the two listed buildings affected by the development, Heslington Hall and Heslington church (IR 723), as well as the desirability of preserving or enhancing the character of a conservation area (IR 725).
36. For the reasons set out in IR 725-732, the Secretary of State agrees with the Inspector's conclusion in IR 733 that, while some elements of the proposed development would have an adverse effect on the setting of the Church and the character and appearance of the Conservation Area, the area would benefit from the enhancement of the setting of Heslington Hall. She also agrees that, on balance, the overall effect on the character and appearance of the area and the setting of its listed buildings would be neutral. The Secretary of State agrees that the development is consistent with the advice in PPG15 (IR 733).

PPG16 - Archaeology and Planning

37. The Secretary of State agrees with the Inspector's conclusion in IR 734 that the development need not have an adverse impact on archaeological remains subject to appropriate mitigation measures being implemented, and that the proposal complies with the advice in PPG16.

PPG17 - Planning for Open Space

38. The Secretary of State agrees with the Inspector that the proposal would meet some of the identified deficiencies in provision and furthers the objectives of PPG17 (IR 736). She also agrees that the provision of the proposed additional facilities would make the University more attractive to potential students, and so help to retain its status (IR 737).

PPS23 - Planning and Pollution Control

39. The Secretary of State agrees with the Inspector, for the reasons given in IR738-742, that given the mitigation measures imposed by condition, the proposal would be consistent with the advice in PPS23.

PPG24 - Planning and Noise

40. The Secretary of State agrees with the Inspector's reasoning in IR743-746 and agrees that the proposal would not have an unacceptable impact on noise and is consistent with the advice in PPG24.

PPS25 - Development and Flood Risk

41. The Secretary of State notes in IR747 that, when evidence pertaining to flood risk was presented at the inquiry, PPG25 was the national planning guidance on development and flood risk. PPG25 has subsequently been replaced by PPS25. The Secretary of State agrees with the Inspector in IR747 that the development and flood risk issues remain as originally identified by the Secretary of State and considered at the inquiry. She therefore concludes that the deletion of PPG25 and its replacement by PPS25 does not raise any issues that require a reference back to parties.
42. For the reasons given in IR747-749, the Secretary of State agrees with the Inspector that the proposal is consistent with the advice in PPS25. She further agrees with the Inspector in IR750 that a drainage system could be designed that should ensure the hydrology of the lake would be sustainable.

Other Matters

Condition and Obligations

43. The Secretary of State agrees with the Inspector's reasoning and conclusions on planning conditions and the s106 agreement, as set out in IR 610-616. Overall, she considers that the proposed conditions are reasonable and necessary and meet the tests of Circular 11/95. The Secretary of State also considers that the signed and dated s106 Agreement, submitted and discussed at the inquiry, is both necessary and relevant to the proposed development and meets the policy tests of Circular 05/2005.

Overall conclusions

44. The Secretary of State agrees that a University campus is not an appropriate form of development in the Green Belt, and it is therefore necessary to consider whether there are very special circumstances that clearly outweigh the harm that the development would cause to the purposes of including land within the Green Belt, and any other harm. For the reasons given above, the Secretary of State considers that there are very special circumstances which outweigh the harm and that there are no alternative sites which are suitable and viable for the proposed development.

Formal Decision

45. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby grants planning permission for the development of a university campus on land south of Field Lane,

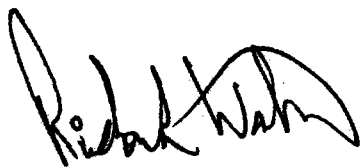
Heslington, York, in accordance with application number 04/01700/OUT, dated 30 April 2004, subject to the conditions appended in Annex A.

46. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the local planning authority fail to give notice of their decision within the prescribed period.
47. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than that required under section 57 of the Town and Country Planning Act 1990.
48. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

49. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court.
50. A copy of this letter has been sent to the City of York Council and all parties who appeared at the inquiry and expressed an interest in receiving a copy of the decision.

Yours faithfully,



Richard Watson
Authorised by the Secretary of State to sign in that behalf



Report to the Secretary of State for Communities and Local Government

by **H G Rowlands** BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for
Communities & Local Government

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ GTN 1371 8000

Date 20 March 2007

T & CPA 1990

CITY OF YORK COUNCIL

UNIVERSITY OF YORK

Inquiry held on 25 April to 15 May, 12 September, 19 to 20 October, 30 to 31 October, 28
November to 1 December 2006

Land south of Field Lane, Heslington, York

File Ref: APP/C2741/V/05/1189972

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File Ref: APP/C2741/V/05/1189972

Land south of Field Lane, Heslington, York

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 14 September 2005.
- The application is made by the University of York to the City of York Council.
- The application Ref 04/01700/OUT is dated 30th April 2004.
- The development proposed is a university campus.
- The reason given for making the direction was that the proposed development may conflict with national policies on important matters.

Summary of Recommendation: I recommend that outline planning permission be granted subject to conditions

Procedural Matters

1. Mr Anthony J Wharton was appointed to act as an assistant inspector in this case, should his services be required. In my absence he held the inquiry session on 12 September. However, no evidence was presented on that day and Inspector Wharton has played no part in the preparation of this report.
2. The application is an outline planning application that seeks to establish the acceptability in principle of the proposed university campus and approval of the means of access to the campus. All matters of detail, other than the means of access, are reserved for subsequent approval. A detailed description of the proposed development and the application plans are contained in the outline planning application documents numbers 1 and 2(c) as supplemented by Document 10 (Inquiry Doc 32.1).
3. Landmatch Limited, who are owners of a part of the application site and who were one of 6 parties granted Rule 6 status, formally and unconditionally withdrew their objection to the planning application by letter dated 27th March 2006.
4. On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
 - A. whether the development which is the subject of the planning application is in accordance with the current and emerging development plan for the area, having particular regard to the adopted and deposit draft Structure Plans and the provisions of Regional Planning Guidance and the recently published draft revised Regional Planning Guidance (Regional Spatial Strategy);
 - B. the extent to which the proposed development is consistent with Planning Policy Statement 1: Delivering Sustainable Development and The Planning System General Principles with particular regard to:
 - i) the need for a development of this scale and location, taking account of the Government's objectives for Higher Education;
 - ii) protection and enhancement of the environment (paras 17 and 18 of PPS1)

iii) advice on prematurity (paragraphs 17 and 18 of the General Principles, having regard to progress on the York Local Plan/Local Development Framework); and

iv) whether the scheme would secure a high quality of design, and its effect on the character of the area, having regard to the advice in paragraphs 33 – 39 of PPS1.

C. the extent to which the proposed development is consistent with Government Policies in Planning Policy Guidance Note 2: Green Belts, with particular regard to:

i) whether the proposed development is appropriate development within the Green Belt by reference to the guidance in paragraphs 3.1 – 3.4 and any relevant development plan policies and if it is inappropriate, whether very special circumstances exist which clearly outweigh the harm to the Green Belt caused by reason of inappropriateness and any other harm;

ii) whether the proposed development would conflict with the fundamental aim of Green Belt policy of preventing urban sprawl;

iii) the extent to which the scheme would be consistent with the purposes of including land in the Green Belt; and

iv) whether the proposed development would harm the visual amenities of the Green Belt by reason of its siting, materials or design.

D. the extent to which the proposed development would conflict with national planning policy on residential development as set out in Planning Policy Guidance Note 3 – Housing, with particular regard to:

i) whether an adequate sequential test has been applied properly and whether there is a need to release greenfield land for the purpose of providing student housing in York;

ii) the accessibility of jobs, shops and other services from the site by modes of transport other than the private car, and the potential for improving such accessibility;

iii) whether the proposed development would make the best use of land, taking into account its density, layout, design and the level of car parking provision, having regard to the advice in paragraphs 54 – 62 of PPG3;

iv) whether the development would represent good design having regard to the landscape of the locality.

E. the extent to which the proposal is consistent with national planning policy for industrial and commercial development as set out in Planning Policy Guidance Note 4: Industrial, Commercial Development and Small Firms, with particular regard to :

- i) balancing the locational requirements of business with wider environmental and social objectives;
- ii) maximising the use of previously developed land in sustainable locations for all forms of built development; and
- iii) encouraging development in accessible locations.

F. the extent to which the proposed development is consistent with Government policies and principles in Planning Policy Statement 6: Planning for Town Centres, particularly:

- i) whether it has been demonstrated that an adequate and flexible sequential approach has been applied to selecting the location of the proposed development, taking into account the scale and format of the development, car parking provision and the scope for disaggregation and the advice in paragraphs 3.13 – 3.19 of PPS6.

G. The extent to which the proposed development is consistent with Government policies in Planning Policy Statement 7: Sustainable Development in Rural Areas with particular regard to:

- i) key principles on siting, location, accessibility and design (paragraph 1(i) – (iv));
- ii) ensuring that the quality and character of the wider countryside is protected and, where possible enhanced (paragraph 15);
- iii) recognising the importance of the countryside around all urban areas, to those who live or work there, and also in providing the nearest and most accessible countryside to urban residents, securing environmental improvements and maximising a range of beneficial uses of this land, whilst reducing potential conflicts between neighbouring land uses (paragraph 26).

H. the extent to which the proposed development would conflict with national planning policy on biodiversity and geological conservation set out in Planning Policy Statement 9 in particular:

- i) the extent to which the development is likely to have an impact on biodiversity and geology;
- ii) whether or not there is likely to be any impact on European protected species listed in the Habitats Directive;
- iii) whether there is likely to be any impact on species protected under the Wildlife and Countryside Act 1981 and any other legislation;
- iv) whether or not there is likely to be any impact on any site of national, regional or local biodiversity and geological interest.

I. The extent which the proposal would conflict with national planning policy on transport as set out in Planning Policy Guidance Note 13, in particular:

i) the need to locate development in a way which helps to:

- create more sustainable transport choices
- promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and
- reduce the need to travel, especially by car;

ii) whether the proposal complies with local car parking standards and the advice in paragraphs 52 -56 of PPG13.

J. the extent to which the proposed development is consistent with advice in Planning Policy Guidance Note 15: Planning and the Historic Environment, in particular:

i) the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses: and

ii) the desirability of preserving or enhancing the character or appearance of conservation areas.

K. The extent to which the proposed development is consistent with the advice in Planning Policy Guidance Note 16: Archaeology and Planning, with particular regard to:

i) the adequacy of any assessment and field evaluation to determine the character and extent of the archaeological remains and the options for minimising or avoiding damage;

ii) having regard to the assessment and field evaluation, whether the physical preservation in situ of archaeological remains is justified, taking into account the presumption in favour of the physical preservation of nationally important archaeological remains and their settings: and

iii) where the physical preservation in situ of archaeological remains is not considered justified in the circumstances of the case and development resulting in the destruction of archaeological remains should proceed, whether appropriate and satisfactory provision can be made for the excavation and recording of remains.

L. The extent to which the proposed development is consistent with the advice in Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation, with particular regard to:

i) whether or not any assessment of the needs of the local area has been undertaken and specific needs and quantitative or qualitative deficits or surpluses have been identified.

M. The extent to which the proposal is consistent with the advice in Planning Policy Statement 23: Planning and Pollution Control.

N. The extent to which the proposed development is consistent with advice in Planning Policy Guidance Note 24: Planning and Noise.

O. The extent to which the proposed development is consistent with advice in Planning Policy Guidance Note 25: Development and Flood Risk, with particular regard of the need:

i) to avoid development that increases flood risk through its effect on flood plain flows and storage;

ii) to give priority to lower-risk areas for the location of development; and

iii) to ensure that development within areas vulnerable to flooding be protected to an appropriate minimum standard, taking account of the likely effects of climate change.

P. Whether planning permission should be granted for the developments comprising the application.

Q. What conditions should be imposed on any permission which might be given and, in particular, the need for a condition to limit the likely significant environmental effects of the development to those described and assessed in the Environmental Statement submitted with the application.

R. Any other aspect of the proposed development which the Inspector may feel is material to the decision.

The Site and Surroundings

5. The application site comprises some 116 ha of mainly arable agricultural land to the south of Field Lane, Heslington. It is located on the south-eastern edge of the City to the east of the existing University Campus and the village of Heslington. Low Lane adjoins the site to the south beyond which is further agricultural land. To the north of the site is Field Lane and the Badgers Hill residential area. To the west are residential properties within The Crescent and Lord Deramore's School. The north-eastern portion of the site adjoins the Grimston Bar park and ride facility. The land rises across the site from Low Lane towards Field Lane. There are no public rights of way within the site.
6. Heslington village is designated as a conservation area and the north-western corner of the application site in the vicinity of Heslington Church falls within the conservation area. The character of the village and the surrounding countryside is described in detail in the Village Design Statement (Doc 32.15). The Conservation Area is centred on Main Street South and Main Street West, but Heslington Church and the open land adjoining the Church is also included in the area. The historic core of the settlement retains the character of a rural village despite its proximity to the University. Heslington Church, a Grade II Listed Building and Heslington Hall a Grade II* Listed Building are the most prominent buildings within the Conservation Area, which also contains a number of other attractive smaller buildings. To the south and east of the village there is open agricultural land in arable use, while to the west is an extensive area of playing fields beyond which lies Fulford Golf Club.
7. The existing campus is located immediately to the north of Heslington Village beyond Heslington Lane/Main Street West. It covers an area of some 68 ha, excluding York Science Park and the playing fields to the south of Heslington Lane. University buildings are located on both sides of University Road and the principal buildings are centred around a large feature lake. The buildings range in height from single to 4 storeys and have been

built at various times over the 40 year life of the University. Many of the original buildings were built using the CLASP system. Some of those buildings have been extensively refurbished in recent years. The building density is restricted to a 20% footprint and the buildings are set within extensive attractive parkland containing many mature trees. There are also several parking areas within the campus. Halls of residence (colleges) academic, administrative and social buildings are intermixed within the campus. There are also playing fields and a sports hall housed within a temporary building. York Science Park, which covers an area of some 8.5 ha, is located in the north-eastern corner of the campus with access from University Road. In addition a modern residential block known as Halifax College has been erected off Holmefield Lane to the south of Heslington Lane. Unlike other University residences, the college adjoins an area of residential properties within the village.

Planning History

8. The proposal for a new campus has a long history. Planning permission was granted for the existing University in 1962 by the former East Riding County Council. In 1967 the County Council allocated some 320 hectares of land in the Heslington area, including the existing campus, for University use as part of the East Riding Development Plan. The allocation included the western half of the application site. However, the plan was never formally adopted. In 1974 the University became part of the administrative area of Selby District Council. The 1984 draft Selby Rural Areas Local Plan included the University allocation made in the East Riding Development Plan. The plan was not adopted. The draft Selby District Local Plan allocated some 81ha of land for University expansion to the east of Heslington further to the east of the village than the current proposal. However, yet again the local plan was not adopted. Land to the east of Heslington is allocated for university expansion in the Draft City of York Local Plan 1998. The status of that plan is explained below. In February 2004, the Council adopted a development brief for the site which sets out the guiding principles for development, including landscaping, environmental impact, transport strategy and proposals, design criteria and phasing. In 1999 a development brief for the future expansion of the University was agreed between the City Council and the University.
9. The existing 67ha campus known as Heslington West is also the subject of a master plan. The plan was based on a number of key principles namely a collegiate university, a landscape dominated campus, a layout based on pedestrian movement with a 10 minute walking time across the campus, and a large lake around which the colleges and other central facilities were located.

The Proposals

10. The University of York currently has 8,500 full-time students, 1,700 part-time students and 2,700 staff. The proposed development would increase the number of students by some 5,400. That figure represents the anticipated number of 'full-time equivalent' (FTE) students and is calculated on the basis of the number of full and part time students that would attend the University. The expansion of the University would also create some 2000 jobs at the University and about 2,500 related research jobs. The development of the campus would take place over a period of some 20 years.
11. The proposed development would take place within a 65 hectare allocation within the overall application area. It is proposed that the remainder of the application area would be developed as a linear park which would include structural landscaping along the boundaries of the site and a substantial lake. The proposed buildings would be used for

academic teaching, research, research related businesses as part of Science City York (SCY), housing for up to 3,600 students, ancillary facilities, a conference centre, sports facilities including a swimming pool and fitness centre, a performing arts centre and social facilities. The application plans include an indicative illustration of how the buildings and landscaping could look (plan E). It is intended that there should be public access to the University grounds and shared use of the sports, leisure and cultural facilities.

12. Access from the western end of Field Lane to the proposed campus would be provided for pedestrians, cyclists and a University Transport System (UTS) which would link the existing and proposed campuses. In addition, as part of the application proposal, a new link road would be provided between Field Lane and Innovation Close for use by general traffic. Vehicular accesses to the campus and the proposed car parks would be provided from the eastern end of Field Lane in the vicinity of the junction of Field Lane and Deramore Drive and from Hull Road via the Grimston Bar Park and Ride site.

Planning Policy

13. The planning policy context is set out in sections 3 and 4 of the Statement of Common Ground.
14. A number of Planning Policy Statements and Planning Policy Guidance notes are relevant to the consideration of the application. In particular: PPS1 – Delivering Sustainable Development and the supplementary document to PPS1 – The Planning System; PPG2 – Green Belts; PPG3 – Housing; PPG4 – Industrial and Commercial Development and Small Firms; PPS6 – Planning for Town Centres; PPS7 – Sustainable Development in Rural Areas; PPS9 – Biodiversity and Geological Conservation; PPG13 – Transport; PPG15 – Planning and the Historic Environment; PPG 16: Archaeology and Planning; PPS23 – Planning and Pollution Control; PPG24 – Planning and Noise; and PPG25 – Planning and Flood Risk. PPS3 - Housing, which was published shortly before the close of the Inquiry' is a material consideration in this case, although the guidance does not come into force until 1 April 2007. In addition PPS25 – Development and Flood Risk which replaces PPG25 was published following the close of the Inquiry.
15. The statutory development plan comprises the Regional Spatial Strategy for Yorkshire and the Humber (RSS) to 2016 published in December 2004 and the North Yorkshire County Structure Plan Alteration No 3 adopted in October 1995 (NYCSP).

Regional Spatial Strategy

16. The RSS is based on a selective review in 2004 of the former Regional Planning Guidance of 2001. Some elements of the strategy, e.g. housing policy, were not reviewed and as such pre-date current Government policy in PPGs and PPSs. The draft replacement RSS, entitled the Yorkshire and Humber Plan was issued for consultation purposes in January 2006. As the strategy is at a relatively early stage, having recently been the subject of an EIP, only limited weight can be attached to its policies.
17. The RSS policies that are of particular relevance are S1 – Applying Sustainable Development Principles, S3 – Urban and Rural Renaissance, S4 – Urban and Rural Design, Policy S5 – Climate Change, S6 – Sustainable Use of Physical Resources, P1 – Strategic Patterns of Development, P2 – Green Belts, , E1 – Town and City Centres, E3 – Provision of Employment Land, E4 – Employment Site Location, H2 – Sequential approach to the allocation of housing land; T1 - Land use and transport integration, T2 – Public transport accessibility, T3 – Personal transport, T5 – Regional demand transport strategy , T6 – Transport in main urban areas, T 9 – Improvements to the highway network, SOC2 –

Education, N1 – Biodiversity, N2 – Historic and cultural resources, N3 – Landscape character, N5 - Agriculture and environmental support measures for sustainable land management.

18. Policy S1 of the approved RSS reflects the sustainable development objectives of PPS1. Policy S3 promotes urban and rural renaissance, Policy S4 relates to urban and rural design, while Policy S6 promotes the sustainable use of physical resources. In accordance with the advice in PPS7, Policy N5 seeks to protect the best and most versatile agricultural land from development.
19. Policy P1 seeks to minimise the need to travel and the need to travel to support delivery of urban renaissance, regeneration and concentration of development. Wherever possible, development should be located within urban areas. Development plans should adopt a sequential approach to meeting development needs. Where suitable sites to meet identified needs cannot be accommodated within urban areas, consideration should be given in development plans to urban extension sites accessible by good public transport.
20. The RSS notes that, although the general extent of the York Green Belt was approved in 1980, the detailed boundaries are yet to be defined. Policy P2 states that when boundaries are settled it should be on a long term basis and take into account the principles of sustainable development.
21. Policy P2 recognises that the Green Belts in Yorkshire serve a valuable role in supporting urban renaissance and concentration, as well as conserving countryside, and their general extent should not be changed. The policy recognises that more localised review of Green Belt boundaries may be necessary in some places though development plan reviews, but only if justified by exceptional local circumstances. Any such review should clearly demonstrate, having regard to the regional spatial strategy and other relevant RSS policies, that release of land is necessary to meet the wider principles of sustainable development in comparison with other available options and is justified by reference to the capacity the existing urban areas.
22. The replacement RSS – The Yorkshire and Humber Plan was published in draft form for consultation in December 2005 and the EIP into the plan took place in 2006. The plan seeks to diversify and grow the York economy by encouraging, among other things, knowledge industries, including Science City and further developing and expanding the University, while protecting and enhancing the historic and environmental character of the City. The majority of development is to be focussed on the City.

Structure Plan

23. Structure Plan Policies E8 and E9 define the general extent of the Green Belt as one whose outer edge is about 6 miles from York city centre and set out the categories of development that are appropriate within the Green Belt. Other policies that are of relevance to the proposed development include T2 – Public Transport, T3 – Public Transport Penetration of New Development, T6 – Traffic Management, T9 - Parking, T10 - Cycling, T11 – Major Development, A1 – Loss of Agricultural Land, A2 – Allocating Agricultural Land, A3 – Safeguarding Agricultural Land, R1 – Recreation and Leisure Facilities, R3 – Recreation and Leisure Facilities, E2 - Development in Open Countryside, E4 – Protection of Historic Buildings and Townscape, E5 – Sites of Archaeological Importance and E7 – Pollution.
24. Policy E2 states that development in the open countryside outside the national parks will only be permitted where it relates to small scale proposals requiring an open countryside

location for operational reasons and, provided it would not harm the character and appearance, general amenity or nature conservation interests of the surrounding area.

25. Policy E8 defines the general extent of the York Green Belt which is to extend about 6 miles from York City Centre. The Key Diagram shows the application site and adjoining areas of open land as lying within the general extent of the Green Belt. Policy E8A identifies the factors to be taken into account when defining the detailed Green Belt boundary, including the need to regulate the size and shape of urban areas in order to prevent uncontrolled growth, the need to prevent the coalescence of existing settlements, the need to preserve areas of open land extending into the urban area from the countryside which have an existing or potential recreational or amenity value, and the need to preserve easy access to open country and outdoor recreation.
26. Policy E9, states that planning permission within the Green Belt will normally be granted only for the erection of new buildings required in association with agriculture and forestry, outdoor sport and recreation, cemeteries or institutions standing in extensive grounds and other uses appropriate in a rural area.
27. Policy E4 states that buildings and areas of special townscape, architectural or historic significance will be afforded the strictest protection. Policy E5 protects sites of archaeological importance. Policy E7 states that development which would give rise to substantially increased levels of noise, water or air pollution will not normally be permitted.
28. Policies A1, A2 and A3 seek to protect the best and most versatile agricultural land from development. Development which would involve the loss of agricultural land but which could reasonably be expected to take place on non-agricultural land or agricultural land of lower quality should be resisted. In considering development proposals involving the loss of agricultural land, account should be taken of the need to ensure that there is no greater loss of agricultural land than is necessary and to retain economically viable farms.
29. Policy T2 seeks to sustain public transport, while policy T3 requires that provision will normally be made for public transport services to penetrate major areas of development. T6 indicates that, within built up areas, traffic management measures will normally be preferred to major road construction. T10 encourages provision for cycling. T11 states that the availability of public transport services will be an important consideration in assessing proposals for major new developments, particularly those in peripheral locations.
30. Policy R1 allows for the provision of recreational and cultural facilities in locations accessible by public and private transport where this is not detrimental to local interests, while Policy R3 specifies the circumstances in which recreational development may take place in the countryside. Provision for active outdoor recreational activities will normally be made in the urban fringe.
31. Policy H6 states that in allocating land for residential development, priority will be given to the use of land, particularly vacant or derelict land within the boundaries of existing settlements. Under Policy H5, isolated residential development which is not related to an existing settlement will not normally be permitted.

Draft Local Plan

32. Following advice from the Government Office, the Council resolved not to progress the Local Plan to adoption. On 12th April 2005 the City Council approved the Local Plan for development control purposes. Policy ED9 allocates some 65 hectares of land to the south of Field Lane solely to meet the University of York's expansion requirements. The

development of the site is to be phased. An initial 35 hectares of land will be released for development to meet the University's short term needs. The remaining 39 hectares is to be released for development only when the land released during the first phase is no longer adequate to meet growth requirements. Development of the site is to be restricted to: University uses; Science City York Uses and other emerging knowledge-based clusters that are able to demonstrate that they need to be located on the new campus due to sharing of resources or personnel (such uses are to occupy no more than 25 hectares); and student housing. In considering development proposals account must be taken of the approved development brief for the site and the developed footprint should not exceed 23% of the total site area; buildings should be of appropriate height in terms of the surrounding topography and other buildings in the area; and a comprehensive landscaping scheme should be implemented to help assimilate the new development into its surroundings and enhance the appearance of the development.

Development Brief for Heslington East

33. In February 2004 the Council approved a development brief for the application site. The brief is intended to set out the vision and planning policy framework for the expansion of the University beyond the capacity of the existing Heslington West Campus. The brief sets out the guiding principles for development include matters relating to landscaping, environmental impact, transport strategy and proposals, design criteria and phasing. However, it is not the role of the brief to examine whether the site should be developed in principle.

Heslington Village Design Statement

34. The Heslington Village design statement was prepared by the Parish Council and was subject to public consultation. It was adopted by the City of York Council (CoYC) as supplementary planning guidance in 2004.

Environmental Impact Assessment (EIA).

35. An EIA of the proposed development has been prepared in accordance with the requirements of the Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulation 1999. The Environmental Statement which is in 4 volumes forms Document 4 of the planning application. The EIA considers the environmental effects of the development during the construction and operation of the proposed University campus and proposes ways of mitigating adverse effects that may arise. The matters assessed include: alternative sites, sustainability, historic and cultural heritage, archaeology, agriculture, socio-economic impacts, landscape and visual impact, ecology, hydrology, transport, noise and vibration, sunlight, wind, air quality and contamination. The most significant impacts identified are those associated with the development of a greenfield site adjacent to a conservation area and impacts associated with the increase in student numbers including visual and socio-economic impacts and impacts on transport, cultural heritage, landscape, agriculture and archaeology. A number of positive environmental impacts were identified in relation to ecology and biodiversity, sustainability and transport. In addition, the expansion of the University was viewed as an opportunity to provide the local community with improved amenity and cultural facilities as well as employment.

The Case for the University of York

The material points are:

36. The development proposed is of national, regional and local significance. The investment of some £600+m by one of the country's top universities in a development which represents not only the University's future but the future for many other interests is clearly of considerable importance.
37. It is Government policy to encourage more people into higher education and the proposal would make a significant contribution towards that objective. The development would widen access to all sectors of the population regardless of their social and economic standing and the proposal should be regarded as being of national importance. It will build social and community capital for future generations.
38. The contribution that the proposed development will make to the regional and local economy is of a similarly significant scale. The benefit of some £185m when the University has reached 'steady state' at 2005 prices to the regional economy and some 4500 jobs illustrate its importance as an economic driver. The scale of the expansion is key to the creation of new high quality jobs in the region, to the retention of graduates and to building stronger links between employers and the education sector. Furthermore, the development will provide the opportunity to provide jobs in a growth employment sector at a time when the traditional industries of York are struggling.
39. The proposal needs to be determined now because of the urgent needs on the part of the University. There is no space within the existing campus to enable even the existing University departments to grow after 2008/ 2009. There is already more than 100% utilisation of the current space with certain departments. The University is therefore experiencing constraints which affect its current operations and prevent its future expansion. The situation will be exacerbated over time.
40. The development will inevitably have some environmental cost. The proposal is a large development within the Green Belt. The University accepts that what is proposed is inappropriate development in the Green Belt. The effects of the development, however, can be ameliorated through conditions and the S106 Agreement. There are very special circumstances which justify granting planning permission, as set out below.

Educational issues/need

41. The University of York admitted its first 230 students in 1963. By 2004/5 it had some 10,867 students (9717FTE). It is one of the smallest universities in the country. Due to its small size, it is in danger of becoming sub critical according to the Higher Education Funding Council for England (HEFCE). However the success of the University is disproportionate to its size.
42. The University has emerged as the leading University in the North of England. Its stature is recognised nationally and internationally for the quality of teaching and research.
43. The White Paper on the Future of Higher Education emphasised the importance of the higher education system as an asset to the country. It notes that, despite the UK universities being amongst the best in the world, UK levels of participation in higher education are low. Government is anxious to: expand the number of 18-30 year olds and expand the numbers of overseas students attending universities; inject funding into research concentrating on institutions with a critical mass of excellent research to maintain international competitiveness; and strengthen the relationship between universities and business, fostering knowledge transfer and encourage links with the Regional Development Agencies (RDA).

44. The last point is of particular importance to the understanding of the role of the modern university which is misunderstood by many of the objectors to the proposal. The university in the 21st century is not just an establishment providing traditional academic learning, although that role continues and is of critical importance. Not only should it excel at research and teaching but it should also be a substantial contributor to the economy.
45. The White Paper recognises that the links between the universities and business are strong and are growing. The record of universities has been measured in part by business start ups and other spin out activity. The contribution of universities to helping companies to be more innovative and competitive is recognised. There is no indication in Government that that role is to be frustrated or lessened. In fact the converse is the case and the expanded role is to be fostered and encouraged.
46. A key point in the White Paper is the recognition that the knowledge based economy depends upon the effectiveness of knowledge sharing between business and higher education. To improve institutions should increasingly be embedded in their regional economies and closely linked with the emerging agendas of the Regional Development Agencies. Stronger partnerships between higher education institutions in each region and the RDA and other agencies charged with promoting economic development are encouraged.
47. As part of that encouragement the RDA's have been engaged in the distribution of higher education funding to make sure that it is properly focused on regional development priorities. The Higher Education Innovation Fund (HEIF) has become a permanent third stream of funding for higher educational establishments alongside funds for teaching and research.
48. The strengthening of the involvement of universities in regional, social and economic development is critical in both transfer of knowledge and skills and in community capacity building and regeneration. That expanded role is reflected in the Regional Economic Strategies (RES). The RES 2006-2015 launched in July 2006 has a number of objectives and priority actions which are specifically relevant to the University of York.
49. Those objectives include Objective 2A, which focuses on fostering innovation to develop new markets and products such as good links between business and higher education institutions. For York the concern is to enhance investment, growth and quality in the region's research and science. Objective 3A focuses on expanding higher education provision, fostering excellence in management and leadership skills and improving graduate retention in the region. Objective 3E focuses on the need to improve higher level skills to capture the potential of people with degrees, highlighting the role that a skilled workforce plays in an innovative and competitive economy.
50. The RES identifies science and innovation as a key driver in the transformation of the region's economy and records that the region relies heavily on the universities to deliver a knowledge based economy.
51. The policy base set out above illustrates the extent to which the concept of a university has changed. The references by objectors to commercial elements within the University proposals and what they perceive to be business park elements of the new proposal, fail to reflect the nature of a modern university. The modern university, of which York is an exemplar, is many faceted and it is impossible to hive elements off such as the embedded businesses and spin out companies. While they are commercial uses, they are an integral part of the modern university.

52. In addition, changes are being made to what might be regarded as the more traditional role of the university to enable the Government to make progress towards its target of increased participation in higher education by 18-30 year olds. The proposals will contribute to that aim.
53. The HEFCE is responsible for implementing Government policy on higher education. It is argued by Heslington Parish Council (HPC) and other objectors that HEFCE does not address the capacity of the UK as a whole and that demand could be met more sustainably elsewhere. The remit of HEFCE has been set by the Government and cannot be altered as part of the inquiry process. There is no ceiling on university expansion. Rather there is to be progress towards a national target which has a long way to go to be reached. The reality is that expansion should be at York and other institutions rather than either/or as part of a consistent advance towards meeting the target.
54. HEFCE's strategic plan identifies 4 core aims for the higher education sector namely: widening participation and fair access; enhancing excellence in teaching and learning; enhancing excellence in research; enhancing the contribution of higher education to the economy and society. HEFCE emphasises that the university of the future will have to be diverse, flexible and adaptable. Underpinning the core aims are the need to build upon the individual institution's strengths, develop leadership, governance and management and to provide excellence in delivery.
55. To widen participation and fair access the HEFCE Strategic Plan looks to make measurable progress towards increasing participation in higher education towards 50% of those aged 18 to 30 by the end of the decade. It seeks also to improve opportunities for all students through lifelong learning and access.
56. As part of its bid to HEFCE for Strategic Development Funding (SDF) the University had to demonstrate that its proposals were distinctive and did not compete with other higher educational institutions in the region, that the proposals contributed to HEFCE's strategic aims, that widening participation objectives would be furthered and that the impact on the university finances had been fully thought through. HEFCE has accepted that it was not whether to expand the University but how, where and when that is at issue. Their concern is that without expansion the University of York will become sub-critical.
57. The bid for SDF was approved and £12m granted towards the first phase of Heslington East. It is one of the largest grants made under the SDF. The grant was approved on the basis that the whole of phase 1 was undertaken broadly as set out in the Business Case (Doc. 32.30) and was to include the provision of residences and business incubators.
58. In their letter of support for the proposals HEFCE endorse the view of the University that the educational, economic and social benefits that derive from the development constitute very special circumstances. They confirm that the proposals comply with Government and HEFCE policy and meet the strategic aims set out above. They expressed the view that: 'The University of York has a distinct approach that has served it well and enabled it to become a first class institution. This has been based upon an integrated campus in a landscape setting which encourages interaction and allows the co-location of academic, residential and social activities. HEFCE supports the continuation of this model as facilitating the continuing and growing contribution of the University both economically and socially...The proposed adjacent site precludes or limits environmental damage, brings community benefits and is financially prudent in terms of avoiding the duplication of facilities, reducing transport impacts and housing students on campus'.

59. When the University was established it was in accordance with certain core principles set out in UCD12 (Doc 32.12). That Development Plan was an internal document intended to guide the establishment of the University for its initial decade and was publicly available. The new university was to have a collegiate system with each college providing a substantial degree of residential accommodation for undergraduates, postgraduates and staff. The new university was to be a campus university set in a landscaped parkland environment. The varied and interesting landscape was envisaged to form a valuable addition to the city's public open space. The pedestrian was at the heart of the new university community and all facilities were planned to be within 10 minutes walk time.
60. Academically the decision was to concentrate on relatively few departments and to have a flat management structure. That has remained. That approach has enabled the University to grow its reputation for excellence in core subjects rather than dissipating its energies across a broader spectrum. For a long period it had only 23 departments. That approach, to concentrate on excellence, has served it well as illustrated by its current national and international standing.
61. From the beginning it was always envisaged that the University would expand and that the expansion would take place around Heslington as illustrated in the University of York Development Plan 1962-1972. The document recommended that 'immediate steps be taken to safeguard further land in the Heslington Area for the long term expansion of the University. The extra area involved should be no less than 200 acres and might well be nearer to 300 acres, and the best position would seem to be around Heslington village on the south and east'. The ultimate intention therefore was to develop a university area of about 500 acres with the village of Heslington in its centre. There has never been any secret as to the ambition of the University to expand when it needed to do so.
62. York is now one of the highest ranked universities for teaching quality as assessed by the Quality Assessment Authority. In 2005 the University was ranked second for teaching and learning in the Sunday Times League Table. The University is ranked as sixth for research in the UK with 18 out of its 23 departments in receipt of the highest research rankings (5 or 5*). In almost all league tables the University is ranked in the top ten universities in the country. In 2003 it was named University of the Year for its 'sustained excellence'.
63. There has been capital investment in the science base of the university in excess of £100m since the late 1990's. It has several centres of excellence in world leading facilities such as in neuro-imaging and green chemistry. It has been able to respond to one off opportunities for academic development and been successful in its bids such as for the National Science Learning Centre and the Institute for Effective Education. The scope for further expansion on the existing campus whether by redevelopment, as has been possible with the Institute for Effective Education replacing an outdated single storey building with a three storey structure, or development, is now extremely limited. Hull York Medical School (HYMS) is the latest venture established by the University jointly with the University of Hull to meet a regional shortage of doctors.
64. There is a high demand for places on almost all courses at York from well qualified applicants. UCAS data shows that there are 9.2 applications in York compared to a national average of 5.0. Of the 24 subjects that York offers where a national comparison can be made, York has applications per place which are above the national average.
65. The first consequence of the high level of demand is that there are significant numbers of highly qualified applicants who are unable to be offered a place at York. The second is that

the University is unable to give as much weight as it would like to qualitative criteria assessment or to recognising potential which is not formally accredited.

66. Despite that constraint the University does well in terms of widening participation. In the last year in respect of which full analysis of data is possible 79% of the academic intake came from state schools and 8.4% from low participation neighbourhoods. The University remains below the benchmark for students from the socio economic groups 4-7 (16.6% compared with the benchmark of 21%) and has a relatively low intake of black and ethnic minority groups. It recognises that it has lots to do on widening participation and has an on going programme to tackle the issue.
67. There are 4 key elements of the widening participation programme:
 - (i) developing the portfolio of vocational and professionally oriented courses to widen the range of possible applicants;
 - (ii) sub-degree provision;
 - (iii) changing the admissions programme so that it is centralised to ensure greater consistency of implementation of the widening participation programme;
 - (iv) activities to raise aspirations such as hosting a summer school to 100 year 11 pupils to widen participation well as summer camps held by individual departments.
68. The University is therefore active in its desire to widen participation. It is not satisfied with its achievements so far and is anxious to strive to do better. HPC argue that, as the University has met a number of widening participation targets, there is no need for further expansion. That is to confuse targets and benchmarks. The University sets itself targets that are to be met whilst aiming to exceed the widening participation benchmarks. The table on page 7 in Professor Sheldon's Supplementary Proof illustrates the shortfall on the part of the University in meeting the benchmarks.
69. The University wants to be able to expand to about 17,450 students (15,400FTE) over a period of 10/15 years. It will continue to be an institution that has one of the highest levels of post graduates. The proposed expansion will allow existing departments to grow but in addition a further small number to be created namely: Theatre, Film and Television, Law and Subjects Allied to Medicine. All of the new subjects are known to be attractive to non traditional entrants and are likely to attract a further 1,500 FTE students. They were chosen, in part at least, because of their vocational characteristics and their ability as a consequence to widen participation in the education provided at the University.
70. The University is unusual in that its overall research income is almost the same as that from teaching, which is normally the larger income source. The parallel growth in teaching and research at York is one of the strengths of the University. The proposed increase in post-graduates is in excess of 5,000 by the end of the expansion period, with the largest number being research students.
71. The University is developing a number of new inter disciplinary centres of research all of which require space and facilities. New buildings that have been established, such as the Unit of Infection and Immunity, are already fully occupied as a result of attracting over £3m in research income in its first 2 years of operation.
72. The University needs to be able to continue with its research activities to be able to attract top class researchers. Without additional expansion space educational provision will be jeopardised.

73. HPC and others argue that the University programme of expansion is unrealistic and unachievable. It has to be remembered that the points are put forward by a local community group without any track record in running an educational institution unlike the University.
74. It is suggested by objectors that there is demographic decline in the age group of 18-30. The research upon which that assertion is made has been refined and updated. In the 2006 Updated Report HEPI say 'the decline in the young population will be concentrated in those social groups who participate least in higher education so the effect on student demand will be much less even than would otherwise be the case'. Furthermore, any decline in numbers of young people is likely to be countered by the longer term increases in the rate of participation. The Report looks only at school leavers and does not take account of an increasing trend to do postgraduate degrees and increasing numbers of mature students.
75. Even if there were to be a decline in the total demand for university places, it is unlikely to be felt at York which will remain a popular first choice. The variation in demand is more likely to be felt in those parts of the market that regularly recruit a large share of students through clearing.
76. Secondly, they argue that there are falling application rates. Undergraduate applications have risen by some 20% in the last 5 years. There are some 9 applications for every place on average at York. As the latest figures show there has been no decline in the most recent intake. The numbers of undergraduate students are some 4% higher than last year.
77. Thirdly, it is argued that there will be falling demand from overseas students. There was a small overall decline in applications (some 1.8%) from overseas between 2005 to 2006. That is less than the national decline of some 4.3%. Such a level of decline does not mean that it is a negative factor as it may simply be that students are becoming more sophisticated and realistic in their applications. In 2005/6 the number of undergraduate registrations increased from overseas despite a drop in overseas applications.
78. The second phase of the Prime Ministers Initiative was launched in April 2006. That will have a positive effect on applications from overseas. York is committed to assisting the UK to meet its targets through commitment to membership of the Education UK Partnership, responding to market demand with the introduction of new and successful programmes in courses such as Management and Law that are particularly attractive to overseas students and an active overseas recruitment programme.
79. It is suggested that the expansion at York would be at the expense of other providers. The effect on other regional providers was one matter that HEFCE required to be satisfied upon before approving any SDF grant. The Response is set out in App 8 in the Supplementary Material to UCD 30 (Doc 32.30). That demonstrates that the proposal will not affect detrimentally any provider and that Heslington East can provide complementary provision.
80. It should be noted that York is a member of the Higher York Creative Technologies Hub which is a collaboration between York St John University, York College and the University. It is a member also of the White Rose Grid, a computing network for researchers at the Universities of Leeds, York and Sheffield. In addition the application is supported by amongst others York St John University and Leeds University. There is therefore no evidence of expansion being at the expense of any other provider.
81. It is claimed that York University may duplicate courses provided by other providers. The University approach is one of collaboration with other providers, rather than an approach of competition with them so although there will be a Law Course provided at the University its

different nature through the social context of the proposed course will distinguish it from others. HEFCE were satisfied that there would be no duplication.

82. It is suggested that financing the project from the proceeds of spin out companies is unrealistic. The University accept that it is unrealistic and it has never been part of the proposals for funding that the total project would be financed by proceeds from spin out companies. The first phase of the development will cost in the order of £140m. There is a fully costed plan which has been verified by independent consultants, approved by University Council and external regulators and supported by the University bankers. Full funding information was supplied to HEFCE as part of the SDF application. The current turnover of the University is some £150m pa. One quarter of that is from HEFCE but it comes in 2 parts. One is pro rata in relation to research and the other is pro rata in relation to students numbers that are taught. Other sources of funding are income from research grants won in a competitive market against other organisations (which represents about one third of the income pool), student fees and other activities such as spin out companies. Some 75 – 80% of the turnover depends on having the best quality academic staff to be able to bid for and obtain competitive funding. It is therefore critical to have the best staff.

The need to expand

83. The need to expand comes from a variety of sources. A key driver is the need to develop new fields of study as knowledge expands and the economy requires graduates with new skills. Departments in the University need to be a certain critical mass to house a range of specialists, to be able to compete in the national and international labour market and to be able to deal with the increased administrative workload.
84. Research groups need to be of a significant size if world class research and teaching is to be sustained. Government policy to build on existing strengths and to concentrate research funding in the best institutions re-inforces the need to increase research groupings and staff. The expanding economic role of universities and the emphasis on knowledge transfer is a further growth driver.
85. National policy to increase participation in higher education is a further driver for growth, together with the recognition of the social, personal and economic benefits that flow from receipt of such an education. In fact the need to expand on the part of the University is not contentious. All parties, even those objecting, accept that the University is a successful institution that produces significant benefits for York and there is an almost universal acceptance of the need to expand. The fundamental issue is where and how that expansion should take place.
86. On arrival at the University in 2002 the Vice Chancellor put in train a strategic review of the University to produce a guide for growth over the next 10-20 years. As a result of that review it was decided that there should be a new Department of Theatre, Film and Television in which the application of Science to Creative Arts would be the core intellectual theme. A need for a Law course was also identified and the establishment of HYMS will provide a focus for the development of other medically related courses. The overall strategy of adding a further 5,400 FTE students and a further 2,000 staff within the next 10-15 years, was approved by the University Council in February 2003.
87. In parallel with the academic process, the University has explored how to best play its role in knowledge transfer and in supporting SCY. In line with recommendations from Government sponsored reports such as the Lambert Review and the changing nature of the

modern university, the University decided to embed within the campus certain activities that were university linked but which supported the SCY initiative.

88. The decision was therefore to pursue significant expansion. That expansion would be excellence driven and broadly based pursuing teaching and research, the application of knowledge and knowledge transfer, provide educational opportunities for all, embrace both a departmental and collegiate structure and integrated, in that it would continue to mix teaching, research, social, sporting and cultural and business activities. The proposed development would still leave the University as a small university in UK terms but one that is able to plan positively for the future with certainty which it cannot do without the granting of planning permission.

Community involvement

89. The process of devising the expansion plan has been criticised by objectors on the basis that it did not involve the local community. The process was an internal process to the University to help clarify its thought process, objectives and goals. There was no role for the local community in that stage of the process and there is no suggestion that that should be the case in Government policy. There is a role for the community to participate, as has been the case, before submission of a planning application with the establishment of the community forum. Details of that consultation are set out in volume 9 of the planning application. The HPC were active participants in that process. There was a further stage of consultation during the planning application. As a result of the community forum process changes were made to the application, including in relation to the access road across Deans Acre.

Sustainability

90. A key principle of sustainable development is social cohesion and inclusion. PPS1 paragraphs 14 and 16 make it clear that equal opportunity for all citizens who would be assisted by the development proposed is an important element. The reduction of social inequality, which would be assisted by the proposal, is a further important thrust of the policy. Sustainable Economic Development is another important limb in the delivery of sustainability.
91. The concept of sustainable development is a matter of balance and is a complex matter. The judgement required is a broad one. It is too simple to assert that the taking of green fields for development and failing to make the most efficient use of land is unacceptable without looking at the picture in its totality.

Prematurity

92. The fundamental approach is to take decisions wherever possible in accordance with current policy. It is seldom justifiable to refuse an application on the grounds of prematurity. Current policy is that the site is within the Green Belt where development will be allowed exceptionally if very special circumstances are demonstrated.
93. The University has tried to take the proposal through the Development Plan system. It was participating in the York Local Plan process during the 1990's until that process was aborted. The Draft Local Plan proposes an area of land for the campus expansion. The failure to progress the Local Plan resulted in a final decision in April 2005 that the Local Plan was not to be progressed any further. By that time space at the campus was at a premium. The University is a dynamic institution. It cannot stop its development to await

the City of York Council to progress its Local Development Framework, particularly given the Council's poor record in Development Plan preparation.

94. The Core Strategy Draft Issues and Options Report was considered in January 2006. Section 10.3 of the Core Strategy on educational facilities contains the strategic objective of helping to facilitate the continued growth and expansion of the University of York and other Further and Higher Education establishments in the City. The published timetable for the Local Development Framework shows December 2007 for the production of the Core Strategy and policies and August 2009 for the key allocations and proposals map. That timetable has already slipped some 8 months and is unrealistic.
95. The development proposed is clearly a large development. However, the University is not seeking any change to the Green Belt. It is promoting the development as a whole on the basis of very special circumstances within the Green Belt. The nature of the development proposed is not a standard urban development such as industrial or residential land use and the granting of planning permission would not prejudice or pre-empt any other development the decision which may better be taken as part of the Development Plan process.
96. There are no proposals for other Higher Education campuses within York in the Green Belt so the circumstances that the University relies upon cannot be repeated. Furthermore, the situation on the part of the University is already so urgent that it cannot afford to wait. It is already suffering because of the delay as Professor Cantor's evidence demonstrates.
97. If planning permission were to be refused on the grounds of prematurity, the following timetable is likely for the progression of the University expansion: key allocations and Proposals Map planned for autumn 2008 but due to slippage to date examination would not be before the middle of 2009; Inspector's Report received by the end 2009; CoYC consider and adopt its DPD in the Spring 2010, period of statutory challenge; planning application submitted in the summer of 2010 with a decision in the autumn of 2010. Development would not therefore commence on site until 2011 with the first departments open in 2014.
98. By that time the University will be significantly beyond the capacity of its existing campus. The timetable above is set out on the optimistic assumption that a planning application will be in a prepared form and submitted to the City Council during 2009/10. It should be noted that the current planning application took the City Council over 1 year to progress. No growth of the existing departments is possible beyond the academic year 2008/9. Investment decisions will not be able to be taken as the University will be unable to bid for investment projects. Instead of enjoying the progress that the University has enjoyed hitherto it will be sliding backwards. Such a state of affairs is not consistent with the RES or PPG2 Annex C and the aim of encouraging more people to undertake higher and further education.
99. A decision to defer a decision would cause great harm to the University with no comparable benefit to the community or the Development Plan process. No other interest would be prejudiced or proposal prejudiced by the grant of a planning permission at this time.
100. Furthermore, the development needs to be brought forward as a whole and cannot be dealt with on a phased basis for the following reasons. Firstly, the infrastructure has to be handled in an integrated fashion. The requirement for the lake, the landscaping and the access to Heslington East is in their totality at the commencement of the development. Even though they would not all be needed to their full extent just for phase 1, they are all needed to serve the whole site eventually. It would be unrealistic to build a portion of a lake when it was known that more was required later. Similarly with the landscaping, which would be more

effective the earlier it is planted and if planted as part of a comprehensive planting programme. As for the access it would be wasteful and unsustainable not to build the new access with anything other than capacity for the whole development.

101. Secondly, the university has an academic strategy which involves a holistic approach to the campus. It requires a 10 year plan with a degree of flexibility for the detail. There are interlocking aspects such as the relocation of the Computer Science Department which would enable the Library to expand into the Computer Science building and from its new location serve the expanded campus. To be able to build upon and develop its success the University needs to be able to plan for the next 10 years.
102. Thirdly, funding involves a variety of different sources. The University needs to be able to respond to opportunities as they arise. Developments may happen earlier or later than anticipated depending upon what opportunity arise. For example, if there is another opportunity to bid for a Dental School, the University needs to be able to respond to that opportunity. Phase 1 is identified as the first element of Heslington East and has been the subject of the SDF Bid, but it is essential for the University to know how it will develop beyond that phase.
103. The White Paper recognises the importance on the part of the higher education institutions to have the freedom to raise their own funding, independent of Government if they are to flourish. It recognises also that the funding for the sector has to be sustainable in the long term not just for the life of the spending review. 'Universities need to compete in the world market, and leading universities in other countries will be able to draw on extensive private funding...it is unrealistic to expect the Government to match the total funding levels of the world's best endowed universities. It follows that giving greater financial freedom to our universities will mean increasing the financial underpinning of the sector, widening the number and type of sources of finance available to it; and reducing dependence on government.... The way forward is through endowment'. Inevitably, such an approach means working to a long term programme. Consequently the application must be for an entire new campus and it is not divisible.

Scope for further development on the existing Heslington West Campus

104. The existing Heslington West Campus to the north of Heslington Lane comprises some 68 ha of landscaped grounds designed to provide a setting for the colleges and main academic buildings. The attractive environment has attracted and sustained high quality staff and students both of whom are critical to retaining the University as a world class institution. The University would therefore wish to be able to capitalise upon the success of the environment as part of the new proposals.
105. It has carried out a space study of its existing campus. In terms of efficiency of use of internal non residential space, York provides nearly 10% less space per student and achieves a 26.6% higher income per sq m than the average of its competitors. The University is running an efficient and cost effective estate.
106. In terms of space utilisation, the evidence of Mr Street demonstrates that estate is more than 100% full, using an industry norm approach (GTR utilisation survey). Certain departments such as Computer Science, Economics and Biology need more space to accommodate their existing activities, even before allowing for their predicted growth, and they are experiencing severe overcrowding currently. They are only able to continue to operate with a highly efficient use of space through a central booking system.

107. Allowing for the predicted growth within the existing departments, a total additional growth of 10,753 sqm is required on Heslington West by 2008/9. By that time the existing campus will be utilising space at 119%. That is only manageable on a temporary basis or one which slows the growth of the existing departments.
108. The constraint on the existing campus is imposed by the 20% footprint limit in the Development Brief for the existing campus. That was adopted by the City Council in 1999 to guide development on Heslington West after consultation had been carried out on its contents.
109. The limit of development was imposed by the City Council to preserve the environmental quality of Heslington West. The Brief itself recognises that a visually attractive campus for staff and students is considered to be a vital element of appealing to and retaining high quality personnel. The Brief states that each new development will be constrained by the requirement that the total developed footprint on the campus must not exceed 20% of the total campus area. Building heights must be contained within an envelope raising little above the mature forest canopy (3 or 4 storeys) of the framework planting.
110. To increase the footprint, as suggested by some objectors, even to 40% would replicate the density of development found in York City Centre. That density of development would significantly harm the character of the Green Belt in which the existing campus lies and its fundamental characteristic of openness. There are parcels of development within the existing campus that are at a greater density than 20%, but overall that is the limit that York City Council is prepared to accept. Neither the CPRE nor HPC objected to the 20% footprint limit during the consultation process on the Development Brief.
111. The high quality of the existing environment is of critical importance to attract excellent staff and for the reputation of the University. The footprint limit of 20% has almost been reached. Mr Street's evidence at Appendix 5 states a figure of 19.35%. Despite what appears to be a low percentage of development density permitted on the existing campus, the University is using the land efficiently, as its success demonstrates.
112. All objectors accept that the University knows its business and is successful at it. It follows that the University is best placed to be able to calculate its needs for the future. The recalculation carried out in Mr Street's evidence confirms that the land required for built development of 65 ha with a development density on average of 23% is appropriate and the minimum necessary for the built element of the new campus. The issue with objectors is whether elements of the proposed expansion could be disaggregated and the location of such development. For reasons set out below, disaggregation is not possible. Even if elements of the proposed development could be split off, there is not enough space within the existing campus to accommodate the residual element.
113. An examination of the existing campus was undertaken to establish to what extent the proposed development could be accommodated within it. That exercise was done without regard to the physical and practical difficulties, such as the ability to decant departments or part of them together with the location, cost and disruption of such an exercise. Mr Street's evidence examines 4 scenarios. They are all mathematical space modelling exercises to examine an absolute maximum that could be accommodated on the existing site. As a result none are representative of what could happen in the real world.
114. On the most realistic scenario (4) which retained the 20% footprint and developed all buildings up to 3.5 storeys, only some 30% of Phase 1 could be accommodated on the existing campus or some 12% of the proposed campus as a whole. That level of

development would accommodate a college and a department. However, phase 1 (also known as Complex X) has been conceived as part of a whole. The first proposed new department is that of Film, Theatre and Television. That department would then not be able to take advantage of synergies with Electronics and Computer Science and co-locate with them. There could be no associated embedded activity and there would be no Creative Technologies Centre, thus delaying and potentially jeopardising links with industry and Higher York. It would be no more than an inadequate stop gap solution, in particular in the case of the proposed Theatre, Film and Television department which requires a theatre performance space, viewing and recording areas which have been designed within phase 1 to maximise use between departments in a cluster.

115. Given the timetable set out above, if permission is refused to enable the proposals to be tested through the Development Plan process there would be a period beyond 2009 where the existing departments could not grow. There would be a further period when the University could not bid for any initiatives as the space that might have been available for them would be taken up by the new college and department. Likewise there is no space for business development or spin out companies for the same reason. Scenario 4 which is seen as the most realistic would therefore frustrate the growth plans of the University.
116. The only way to accommodate the Heslington East development onto the existing campus is to ignore the Development Brief, assume that planning permission would be forthcoming and build up to 9 storeys. Such an approach would not be in accord with the University's principles and academic plans. There would be practical and operational effects from intensification when large areas of the existing campus would become a construction site. That would cause health and safety risks to students, staff and contractors with severe disruption to the teaching learning and research carried out by the University. That in turn would have a negative effect on staff and student recruitment and retention. The infrastructure upgrade associated with such an exercise would require the excavation and construction of a network of roads, paths, pipes, ducts and trenches alongside the existing system to ensure continuity of service. There would be additional financial costs as a consequence. There would be additional traffic generated significantly increasing traffic congestion at the key node points.
117. After such an expansion, the University would have to operate in a more densely developed environment and not in a landscaped setting as now. Many of the existing features of the existing landscape, which contribute to the success of the University, would be lost. It has an unacceptable effect also on the environment of the local community, and the Conservation Area.
118. The CPRE argue that it is possible to redevelop on the existing campus and utilise more of the redevelopment potential of the CLASP buildings. The Vice Chancellor emphasised the point that if the 20% footprint was retained then 12% of Heslington East could be accommodated on the existing campus. However, that was a mathematical calculation and had nothing to do with an achievable form of development. It would not produce buildings that were usable. Any greater footprint of development, whether constructed on the lake or in the space between buildings, would ruin the landscape setting.
119. The assessment undertaken by Mr Street was mathematical exercise to look at all available spaces. In his view it would not technically or financially viable to construct basement car parks. His various options looked at building everywhere except Heslington Hall, the stables and the car park adjacent to the Information Centre, where the University is unable to build for contractual arrangements. It is not possible to reduce the amount of car parking

proposed for Heslington East because the proposal had such a low level of parking at present and the existing car parks are being used at an efficient level.

120. The CLASP buildings comprise some 41,305 sq m or 4.13ha of the total existing footprint of 131,643 sq m or 13.16ha or some 31.3% of the existing estate. When they were built steps were taken to preserve their longevity such as with the use of galvanised structures. During the refurbishment of Blocks A and B at Vanbrugh College, when the buildings were stripped out the exposed steel work was found to be as good as the day it was put up. There were no noticeable signs of carbonation nor physical sign of deterioration. None of the CLASP buildings were identified as being necessary to demolish within 5 years due to poor condition.
121. Under cross-examination it was accepted by the CPRE that they were not suggesting that the 20% footprint should be exceeded, but that redevelopment should take place where appropriate by developing car parks and replacing single storey buildings. If the swimming pool, conference centre and high tech buildings were excluded, it was asserted that it was possible to do so. The CPRE agreed under cross-examination that their alternative proposals would result in a deficit of 10ha in floorspace; that account had not been taken of the need of existing departments to grow; that the suggested alternative approach would involve expansion upwards and that there would be a visual change on Heslington West; that 9 storey buildings were a preposterous prospect, although 4 storey buildings would be acceptable; that more intensive development on Heslington West could compromise the existing environment; that the University would have to search for other areas off site; that the alternative sites report prepared by the University had covered an adequate physical area and had correctly contacted the relevant local authorities; that the CPRE did not suggest any alternative sites that should be investigated; that the CPRE had not considered the functional needs of the University and the need for departments to be close to others to continue the integrated approach used at York; and that account had not been taken of car parking. In addition, the CPRE had not undertaken a physical assessment of the condition of the existing CLASP buildings.
122. The CPRE's proposals have not been thought through. The University evidence shows that the proposal is an indivisible concept but, even allowing for the prospect that it is divisible, there would still be insufficient space on the existing campus to permit the CPRE suggestion that the academic expansion could take place on Heslington West. Even excluding the sports and leisure element and the performing arts venue, a total of 162,585 sq m is required for 'academic' expansion alone. Furthermore, such development would be in breach of the HEFCE grant conditions. Consequently, money would not be forthcoming and the proposed expansion would be frustrated. Expansion on the existing campus is thus not feasible save for the current programme which is being pursued by the University in any event.

Lack of alternative sites

123. Before the availability of alternative sites is considered it is important to examine whether it is possible to disaggregate the University proposals applying guidance in PPS6. It is questionable whether in PPS6 should be applied at all. A University campus is not a conventional town centre use of the sort set out in paragraph 1.8 of PPS6. The highest that it can be put is that certain elements of the proposal such as the conference facility, the swimming pool and offices are such uses.
124. It is argued by objectors that other universities, for example Leeds, Manchester and Oxford, operate with split campuses. They are different forms of university operation. The

difference with the examples cited by objectors is that they are urban universities established within the cities concerned. They have always operated within the urban framework and with disparate sites. That is part of their particular business model.

125. That is not the case with York. It was established as a campus university with virtually all facilities on one site at the edge of the city but not within the urban fabric. Heslington West forms the transition from countryside to urban fabric in the south east quadrant of the city. The landscape parkland campus is part of the University's business model. To force a different business model upon it, even were it possible to do so, would mean a radically different product to that which has been successful so far.
126. PPS6 recognises in paragraphs 3.17 and 13.18 that, in applying the sequential test, developers should be flexible about their proposed business model in terms of the scale of the development, the format of the development, car parking provision and the scope for disaggregation. The guidance specifically states that the paragraphs do not apply to uses other than retail and leisure proposals. Whilst the purpose of the guidance is to explore the possibility of enabling development to fit onto more central sites and reduce the footprint, local planning authorities are urged to be realistic taking into account the genuine difficulties that are likely to occur in operating from sequentially preferable sites.
127. In terms of scale, the University has been as flexible as it can be concentrating the proposed built form within a central 65 ha area within the 116 ha application site. It is not seeking a dispersed development scattered over the entire application site. Instead built development would be contained within a defined envelope. The footprint is appropriate and the scale of buildings proposed is not excessive. The University would remain one of the smallest in the country.
128. The format of the development is a perpetuation of the campus style which has served York well so far. As the HEFCE letter of the 14th of March 2006 states 'the University of York has a distinct approach that has served it well and enabled it to become a first class institution. This has been based on an integrated campus in a landscape setting which encourages interaction and allows the co-location of academic, residential and social activities. HEFCE supports the continuation of this model and facilitating the continuing and growing contribution of the University both economically and socially'.
129. There would in any event be operational difficulties with a split site or sites as are currently experienced by the Centre of Medieval Studies located in Kings Manor in the centre of York. Those difficulties relate to sustainability and economic issues in terms of additional journeys and travel time, operational inefficiency and additional costs. The difficulties would be acute in the context of embedded activities that would then be unable to take advantage of the synergies arising from co-location. The approach would involve a fragmentation of the York model of integration on one site with operational difficulties of doing inter-disciplinary research or academic clustering. The more sites that are involved the more the difficulties are exacerbated. In the context of the University split sites and disaggregation are not realistic.
130. In addition, travelling between sites would be restricted by the fact that CoYC proposes severe limitations on the provision of car parking. Some 1500 car parking spaces are to be provided which is significantly less than required by PPG 13 or the application of York City Council's car parking standards. It is part of a restrictive approach to the use of the motor car in the proposed development in accordance with the aims of PPG 13.

131. The University has considered the possibility of providing a separate residential College, office facilities, conference facilities and swimming pool. Putting aside the operational difficulties that disaggregation would cause, there are no suitable, available or viable sites. Mr Lloyd in his evidence has investigated sites in the centre of York. Sites in the city centre which are brownfield are attracting interest from residential developers driving land prices up to a level which precludes university development.
132. The former Terry's site on Bishopthorpe Road, which closed in 2005, has a site area of 10.85ha and has sold after a marketing exercise to a developer at a land value which represent in excess of £2.5m a ha. That was realised in the full knowledge of a 50% local authority affordable housing requirement, a proportion of SCY uses and the fact that certain of the buildings had been listed by English Heritage. That site is no longer available and is certainly not viable for University use. The Development Brief does refer to the potential for conference and leisure uses. However, so far as the former is concerned that is in the context of exploring synergies with the adjoining Race Course and the prospect of a leisure conferencing quarter and so far as the latter is concerned, it is in the context of a examining the potential for a new sports stadium but the preservation of the sites conservation value and listed buildings are said to be critical. As the site is no longer on the market the land is not available and there is no evidence that it is likely to become so in a reasonably foreseeable timescale. Even if it were to become available, given its sale price, the site would not be viable for the University to acquire. Furthermore, the listed building and conservation constraints mean that the site is not suitable for University purposes.
133. The site in Hungate is another example of a brownfield opportunity being granted consent for a mixed use development in the summer of 2005 where the office allocation is potentially taken up by the CoYC for its own occupation. Again the sale value was over £2.5m a ha.
134. York Central is a major regeneration site in the centre of York of about 35 ha. It is envisaged to provide a central office quarter, over 3,000 homes and a maximum ancillary retail and leisure provision of 20,000 sq m together with a transport interchange as set out in the York Central Planning Brief. While there may be potential to develop some conferencing and education and learning facilities on the land, the site is severely constrained at present. It needs to be assembled, decontaminated, and accessed before any development can commence. A master plan is also required. As the Inspector at the Monks Cross Call in Inquiry observed, the site is unlikely to come forward before 2011. Since that time British Sugar have announced that they are proposing to close their sugar beet operation in Plantation Drive and consequently the work on the York Central Area Action Plan has been put on hold until the position regarding the future of the British Sugar site is known. The site is not therefore available in a timescale to fit the requirements of the University. In addition, the precise form of its future development is uncertain, thus making it unsuitable and in all probability unviable for the University.
135. The British Sugar announcement gives rise to the possibility of a further brownfield site of some 37ha potentially becoming available for alternative uses. The announced intention is that the site will close in 18 months time. There is a long history of uncertainty relating to the site over many years which makes it uncertain that the current closure intent will be fulfilled. Should the site become available, there are significant remediation issues to be addressed on site, the extent, cost and timescale for which is uncertain. The planning future of the site needs to be considered as to suitable land uses and there are significant access issues that need to be addressed. Therefore the site is not available now or likely to be

within the reasonably foreseeable future. It is also unclear as to whether it would be viable for University development.

136. The Nestle/Rowntree site has been the subject of an announcement that part of it will be sold off. Beyond that announcement nothing is known as to when it will be made available to the market or for what purpose. It is thus not available nor suitable nor it is known whether it would be viable.
137. Elsewhere in the centre of York there is a dearth of brownfield sites available. There is only limited office space under construction which is causing rents to rise to new levels. The existing office stock is characterised by small inflexible office suites that are not suitable for the University. It is rumoured that Fulford police station may become available. However, there does not appear to have been a formal announcement to that effect and in any event the site is small.
138. All sites within the City centre of 0.5ha and above have been reviewed. There is nothing currently available. The level of demand for such sites when they arise is at a historically high level. Due to limited supply and strong level of demand land values will continue to climb. As a result the University is unable to compete in such a very strong market due to the nature of its use and the land values that it would create. Further, the separation of the office incubator units from the intellectual and physical support that the University can give to it defeats the objective of the embryonic business benefiting from association with its parent department. The additional requirement to travel into town impacts upon the viability and research efficiency of such a concept.
139. Similar points apply to the independent construction of a college, which would also defeat the philosophy of a collegiate university. A conference centre is now an essential part of a modern research university. Its primary use is for university purposes. Without one the University cannot compete with comparable institutions. Delegates would have to travel to an extraneous conference centre from the University where they would be staying without experiencing the campus ethos. Most importantly the centre would not be available for University use on campus during term time. A remote performing arts centre would be unable to benefit from a symbiotic relationship with the new Department of Theatre, Film and Television and vice versa. Off campus Sports facilities would not be in the area of need. The suggestion by objectors of providing a swimming pool on the Barbican site has been overtaken by events as the site was offered to the market some 2 years ago and now has planning permission for residential apartments and values associated with that. It is not available.
140. There is therefore no site identifiable that can take all or any of the suggested uses for disaggregation.
141. It has been suggested by objectors that the existing office stock could accommodate the support services for which planning permission has been applied for. The University accept that such accommodation would be physically suitable. However, the support services only amount to the equivalent of some 2.5 ha of development. Furthermore, as Dr Henshall's evidence demonstrates, office space within the City would not be operationally suitable.
142. The search for sites has extended to those sites with planning permission, albeit formerly greenfield sites outside the city centre. Monks Cross North and Vanguard are 2 such sites. The opportunities are not for the purchase of freehold land. The land is out of centre and without the benefit of public transport links from the University to the City Centre. Most of the land is in the hands of private developers who are anxious to achieve the best return

possible. Consequently, although there may be land available there and accommodation where high tech companies could establish, the purchase of either would be out of reach of the University. By way of example, Mrs O'Neil in response to cross-examination cited the attempt by the University to buy the former Ministry of Defence site at Hospital Fields Road which failed, as its offer was one half of what the site was sold for. The sites would not meet the co-location requirement on the part of the University to take advantage of the synergies needed between the incubator units and the academic departments. The University presence there would displace other potential uses which have no alternative sites either.

143. It has been suggested by objectors that the development of a 'softer' green field could undermine confidence in the city centre. That had been a concern in the Monks Cross decision (paragraph 101). To compare the position in Monks Cross with that proposed by the University is not to compare like with like. Firstly, the permission sought at the University is for uses that have to be at the University and are required to meet the restrictions imposed by proposed condition 5. Those uses could not operate therefore within the city centre or elsewhere apart from the University. That is unlike the Monks Cross position where what was sought was a B1(a) use that was footloose. Secondly, it is apparent from the evidence of Mr Lloyd that the property market in York is very strong and buoyant. Planning permission for a new campus would not therefore affect the market within the centre of York.
144. A review of alternative sites was undertaken as part of the planning application. There have been a series of such examinations. Firstly, in 1996 as part of the Local Plan preparation when sites were selected in consultation with the local authorities of York, Selby, and Ryedale. That was repeated and updated in 2003 and again for the Inquiry. For the latter 2 exercises the review was informed by the University criteria for the assessment of an expansion site, in particular sustainability issues. The search for alternatives therefore went considerably outside the City of York itself.
145. Elvington Airfield was the best rural site. At 140ha it is large enough to accommodate the development. Although brownfield, it is within the Green Belt and to that extent has the same policy status as the application site. Furthermore, it is 9k by road from the existing campus and the difficulties of split sites referred to above would come into play. There would be negative impacts on the Green Belt with development in a flat landscape. Development on the airfield would divide the University community and be a less sustainable option than developing at Heslington East.
146. In conclusion, despite an extensive exercise, no one has been able to identify a site that is capable of taking the proposed university campus. Taking into account disaggregation and the requirement to use the minimum amount of Green Belt land, there is no suitable, available or viable alternative site to accommodate part of the development. The absence of alternative sites is thus a material consideration to which considerable weight should be attached in the decision making process.

Economic benefits

147. The economic contribution of universities is of increasing importance to the UK as the country seeks to become a knowledge driven economy and to increase competitiveness and productivity of its businesses through enterprise and innovation. Universities are now recognised as engines of economic growth and are increasingly expected to fulfil that role nationally regionally and locally.

148. The Investment Framework for Science and Innovation 2004-2014 (UCD 32.17) notes that scientific research and innovation are seen as twin engines of economic growth and an improved quality of life. It states that there is 'a building on culture change underway in our universities by promoting far deeper and more widespread engagement and collaboration between business and the science base'.
149. The UK investment in and exploitation of science lags behind its key competitors particularly in business research and development spend. Total research and development spending is 1.9% of GDP but the Government remains committed to increase the total by 2.5% by 2014. Even then it will still lag behind that of the UK competitors. The centrality of science to the national economic growth strategy and the benefits of cross fertilisation between university research and business have been reaffirmed by the Chancellor of the Exchequer. (Dr Henshall proof of evidence App 1).
150. Proximity between business and universities is recognised as an important component in successful relationships between the two. As the Lambert Review of Business University Collaboration states 'Proximity matters when it come to business collaboration especially for small and medium sized enterprises. Informal networks cannot easily be sustained over a long distance and even large companies may find it more efficient to work with research departments in their own locality'.
151. Under that policy push the HEIF was created which in its last awards gave the University of York one of the highest levels of funding in August 2006. The award was based on the size of the institution, its achievements and potential to grow and deliver.
152. The SCY project was cited by Richard Lambert as an exemplar of good practice. Set up in 1998 it promotes the development of high tech business clusters around the University and its links with the local scientific community. It is facilitated by the University and the CoYC. Since that time it has created 2600 new jobs and resulted in some 60 technology companies being founded. That concept was taken up by the Chancellor in his 2005 Budget speech with the creation of a further 5 Science Cities modelled on the success of the York experience. In his letter in support of the planning application Mr Lambert said 'I also made it clear that initiatives of this kind were especially important in the North East of England where there are very few or Government research departments. The university has played an important part in creating new value added jobs in the area and I strongly believe that it should be allowed to expand its footprint in the future...we agreed that it would need to scale up its operations if it is to play its full part in the creation of high value jobs in the region. It is clear that you will need additional physical capacity to make this possible'.
153. Yorkshire Forward strongly supports the proposal given the significance of the University to the Region. The Strategic Assessment for York and North Yorkshire 2006 highlights York's developing economic base in science and technology, financial services and higher added value tourism. The RES which highlights 2 clusters of particular relevance to York namely Digital Industries and BioScience. Yorkshire Forward has already invested more than £3m in initiatives at the University associated with clear business applications. Their support for business development has in turn led to an investment of £12.5m in the form of a Bio Centre, IT Centre and Innovation Centre on the Science Park. There are some 70 companies within the three centres and a further 18 companies on the Science Park.
154. The Science Park is now built out so that there is no land for further growth. The Neuro Imaging Centre and the Nanolithography Centre have been established on the Science Park because there was no space on the main campus adjacent to their host departments. That is indicative of how tight space has become for the University. The 8.5 ha Science Park site

has been built out in a relatively short period of time since planning permission was granted. There are limits to its success however because of the physical constraints. Dr Henshall cites two examples of current difficulties. Firstly, York has some of the best expertise in the world in 'green chemistry'. However, at present there is no where to locate for the Bio Refineries Institute. The other example is in Futures Medicine where remote sensors allow new means of measuring the body where again there have been discussions with Yorkshire Forward to develop the expertise at York but nowhere for it to go. Both of those opportunities would be embedded companies on the new campus as they cannot be directed elsewhere because of the need to share resources. There is evident demand and interest in establishing new companies at York which cannot be met at present.

155. It is accepted that while some companies on the existing Science Park have good links with the University, others do not. There is no restriction attached to the planning permission for the Science Park that required them to do so. That would not be the case on the proposed Heslington East campus. While some buildings on the Science Park may be empty and available for let, that is part of the normal the market process and does not meet the latent demand. Nor does the fact of buildings being advertised for occupation demonstrate that the Science Park has not been successful.
156. The other way in which the University supports the SCY project is through contribution to the local artistic, cultural and leisure facilities. With increasing competition for high tech businesses and the employment and prosperity that they create, the quality of life around the city is increasingly important. The University contribution to the quality of life in the city of York is an important factor in the success of the SCY project.
157. In October 2005 the University employed some 2,638 people of whom just under a half (1,028) were non academic. The employment created an income gain of £87m. At the same time the Science Park had created a further 850 jobs and produced an income gain of £26m. In addition there is indirect gain to local income. The total income gain from the University is estimated in 2005 at £164m.
158. The University produces about 2,000 graduates and 1,000 postgraduates each year, but there is a problem with retention in the region due to a perceived lack of employment opportunities. The University contributes also through collaborative projects with business which it hopes to increase through its Enterprise and Innovation Office and Continuing Professional Development Programmes. Despite being a considerable economic strength at present, there is considerable potential to do more to benefit the economy of the region.
159. There is a need to for further companies to be embedded with academic departments to integrate research in an innovative way so as to link academic and research led businesses. The new companies would need to demonstrate a particular link with the University in perpetuity, unlike businesses on the Science Park where restrictive conditions were only in force for the 4 years of the development. Companies not fulfilling that test could locate elsewhere on SCY land. The proposal is to cater for a particular sector within SCY activities. For that reason it is wrong of objectors to suggest that the intention of the University is to develop a business park containing commercial uses that could be located anywhere. The requirement to demonstrate links with the University, would mean that companies would be of a type that are not transferable to any other location. For example the proposed Creative Technologies Centre would be a research facility shared with collaborators within Higher York and would be linked with the first new academic department to be established, namely, Theatre Film and TV. Experience shows that co-location is the key to success as set out in the paper by Professor Etzkaowicz (Doc 32.35).

160. Spin out companies need to be able to be distributed adjacent to the academic departments that they are linked to so that companies will be interspersed throughout the campus. There would therefore be no conventional science park. The proposed short lease arrangement will enable the University to monitor the development and appropriateness of the companies and move them on if they do not meet the requirements to be co-located with the University in the future. There is also a need for grow on space so that the development of fledgling companies is not restrained by a lack of physical space on campus. Where companies do not need to remain on site they would be moved on to other sites within the York region. It is the intention of the University to form a strategic vehicle to review possible sites for such developments.
161. In terms of direct gains from the proposed development, some 2,000 jobs would be generated by the academic expansion and some 2,500 from the SCY type activities. There is a total direct income gain of £142m. Putting all the activity together there will be a boost to local incomes as a result of the expansion of some £185.3m and generation of some 6,025 jobs. In addition over the construction period Heslington East will boost local incomes by a further £24m at 2005/5 prices and generate 424 jobs.
162. The build up of employment opportunities will be gradual but the proposal would result in a substantial benefit to the local, regional and national economies. There would be a further economic contribution through the expansion in volume and quality of graduate output. The greater number of employment opportunities and the expanded nature of the courses on offer would enhance the prospects of graduate retention in the region.
163. It has been argued by both CPRE and HPC that the development in Cambridge demonstrates that a separate business park can be successful without companies having to be embedded. There has been development on the west side of Cambridge where the major science departments are relocating from the University in the city centre. In fact, Cambridge now wants to move over to embedding companies and so adopt the same approach as York.
164. HPC and others are also concerned with the amount of land allocated for support services (10% or 2.5ha). It is suggested that such uses could locate on employment land of which, based on the Monks Cross decision letter, there was an adequate supply. Such an approach would negate the co-location principle that the University is trying to promote not only for the companies as set out above but also for their support services due to the synergies within the specialist group and the ability to be able to provide a rapid response. They would still have to comply with the requirements of condition 5 that is capable of enforcement by the CoYC.
165. It is suggested by objectors that all the uses envisaged by the University are speculative with the implication that the developments may never happen. In fact there are already 2 identifiable uses, namely Futures Medicine and Bio Refineries Technology with nowhere to go because of the shortage of space. As Dr Henshall explained under cross examination, there is also advanced discussion round the Creative Technologies Centre involving some household names that cannot be disclosed because of the sensitivity of the business and commercial confidentiality.
166. One element of the job creation figure was subject to some criticism at the Inquiry. That was the figure used for the SCY uses as it was predicated on a 50% increase over what had occurred so far in relation to spin out companies. Dr Henshall's figures are taken over a 10 year time scale and would have been higher had a shorter period been used, as the rate of spin outs had increased in recent years. The figure was arrived at after discussion with the Estates Department who had taken the more conventional approach and looked at the

- amount of floorspace to be created and calculated the jobs from that. It is a robust figure as a consequence.
167. It was also argued that there would be economic benefits without co-location. That would be true if land could be identified where companies would be prepared to locate. However, as stated previously, there is no such land. The RES puts no ceiling on benefits sought to be realised for the Region. The Government Response to the Lambert Review in the Science and Innovation Framework 2004-2014 and the continued increase of third stream funding demonstrates no lessening of commitment to the development of links between universities and business. Without the land sought for the SCY uses within the new campus there will be a loss of clarity and confidence about the future.
168. The need for co-location of the Conference Centre is also disputed by objectors. At present there are no large public rooms or break out rooms within the University. Although there is an active conference business it is constrained due to that lack of provision. A dedicated conference centre that can be used for University purposes during term time and conferences in vacation, when student accommodation can be used for delegates, is more sustainable as all buildings can be used more efficiently and to optimum capacity. The conference trade is an integral part of the modern university business.
169. The economic benefits of the development proposed are substantial. Whilst objectors are sceptical about the numbers of jobs created through the SCY uses, they do not produced any contrary evidence nor are the numbers of jobs to be created through academic expansion or construction activity challenged. The income contribution to the economy from the University is accepted both in its direct and indirect role. The addition to the current contribution with the proposed expansion is significant. The consensus amongst the objectors is that the University is a recognised success, of benefit to York, and one that the objectors want to see continue. No one has argued that the success of the University should be frustrated.
170. Hugh Bayley MP and John Grogan MP in particular recognised the role that the University had played in providing a more diverse economy in York. Although there is a relatively low unemployment rate at present there has been a wave of job losses in recent years. A grant of planning permission would provide a range of employment opportunities that would not otherwise exist.
171. Yorkshire Forward also recognised the fact that the region still had low levels of investment and that the general economic position masked deeper economic problems in York and North Yorkshire in that tourism and the significant manufacturing base were still fragile. The key need was to avoid overall job losses in the future. There is therefore a need to build a more mixed economy. The chances of York getting an investment of the size proposed without the University proposals are extremely low. Expansion would assist in promoting the higher level of skills that are needed in the region and help with innovation and science development. It is important therefore that the University is able to expand.
172. The students of the existing University are supportive. The post graduate study facility is inadequate as too is the existing sports provision. Whilst it was not something that led to fewer applications it was something commented upon by prospective students.

Outdoor Sport and Recreation

173. One of the benefits of the proposal is that it includes significant recreational facilities, including a swimming pool of which there is a particular shortage within York since the closure of the pool at the Barbican. The University itself is particularly deficient in

recreational facilities compared with other Universities within the Top Ten in the country. Its offer is inadequate when measured in PPG17 terms. The provision of recreational facilities is a positive feature in attracting students. The provision proposed will double the existing facilities and increase and upgrade their range.

174. The swimming pool cannot be seen as a stand alone facility however, as it does not generate sufficient income in itself to break even. At Heslington East the other facilities are needed to make the pool viable, particularly the fitness facilities. Furthermore, there is no other site in the south-eastern section of the City where such sporting provision can be made. If no facilities are provided at Heslington East, the residents of the east and south of York will continue to be without the use of a swimming pool which is recognised as a deficiency in the Active York survey of facilities in the City and they will not benefit from the shared use of the other proposed recreational facilities. That will assist in the widening participation agenda for the university as well as promoting social inclusion locally. Community access to the facilities would be secured through the Section 106 Agreement.
175. As Sport England say in their letter of support, where they particularly comment on the value of the swimming pool provision, 'the new sports facilities will provide additional opportunities for the wider community to become involved in sport and should assist in widening participation amongst those groups that currently have low activity levels...The University currently plays a key community role...Heslington East also provides the opportunity for first class facilities that respond to the needs of the region's elite sportsmen and women. Currently there is a shortage of this type of facility around York that inhibits the development of local talent'.
176. The provision of outdoor sport and recreational opportunities is therefore a significant benefit of the proposal. So too, is the increased nature conservation interest, the enhanced landscape and the provision of public access to an area where currently there is none. The land required for the development is assembled. Finance is in place and HEFCE are satisfied with the funding arrangements. Consequently, the development is deliverable.

Consequences if Planning Permission is Refused

177. Another factor which forms part of the balancing exercise that has to be undertaken in PPG2 is the consequences of not granting planning permission.
178. The first is that there will be no growth and the University will decline. There will be some 4,500 jobs foregone and a loss of a significant capital investment in and income contribution to the region. Some 5,400 FTE students will not benefit from a high quality education at York University. The national economy will suffer with a loss of business growth.
179. The second option is to intensify the use of the current site. For reason explained above, such an option would not meet the needs of the University nor is it acceptable environmentally.
180. The third option is to operate a split site operation with all the drawbacks that entails operationally. It is not sustainable. It is not viable.
181. In all cases the alternative options prevent the University from responding to national regional and local policy goals and reduce the contribution that a valued institution can make to the various agenda that the Government is anxious to promote.

Impacts of the Proposed Development

Green Belt

182. The development proposed is inappropriate in the Green Belt. In itself the development is therefore harmful. The University accepts that and puts its case on the basis of very special circumstances. The nature and degree of harm has to be analysed however.
183. The fundamental aim of the Green Belt is to keep land permanently open. The Green Belt around York has not been defined in any adopted Local Plan. The application site is located adjacent to the urban edge to the south east of the city and the University has taken the view that it is within the general extent of the Green Belt around York.
184. Mrs O'Neill in her evidence examines the purposes of the Green Belt and concludes that the application is not urban sprawl. That is because the application site is within the defensible boundaries of Field Lane, Low Lane, Hull Road and Kimberlow Hill. The land will remain in the Green Belt pending the LDF process, so that the aim of containing urban sprawl would continue to be met.
185. The purpose of preventing neighbouring towns from merging is not relevant, as the nearest towns of Selby, Malton and Harrogate are some distance away.
186. Safeguarding the countryside from encroachment is a purpose which is contravened. The degree of contravention and the resultant harm however then need to be evaluated. Firstly, within the application site there is a restricted built envelope. Secondly, the landscape appraisal carried out by CoYC ranks the land as not of high landscape quality but 'ordinary'. Whilst that does not affect the Green Belt function, it does affect the degree of harm. There was a thorough review of the existing topography and views into and out of site as part of the planning application. As a result the buildings proposed would be designed with sensitivity so as to fit in with the revised topography following the deposition of the spoil from the lake to minimise their impact. The conditions that are proposed would also ameliorate the proposed impact. Therefore although there is a contravention of this purpose, it is minimised.
187. The setting and historic character of the City of York is clearly of importance to the fourth purpose of the Green Belt. There is no effect upon the character of the historic City as Mr Veitch shows in his evidence. Views to and from the Minster and the historic core are unaffected. The fundamental character is made up of the green wedges that flow into the heart of the city. The development does not affect any of those. Arguably, there may be some limited effect on the setting of the City in that development will protrude further out into the Green Belt. At present there is a relatively hard edge presented on the south eastern quadrant of the City. That will be softened with the landscaping proposed. Therefore, there is no real contravention of the purpose.
188. The final purpose of assisting urban regeneration by encouraging the recycling of derelict land is not contravened in that the market for brownfield land in the City Centre of York is buoyant and the take up of brownfield sites would be unaffected by any decision made on the application for the new University campus due to the specific nature of the development proposed.
189. It follows that one purpose of the Green Belt is contravened but that the openness of the Green Belt will remain safeguarded through the continued Green Belt status over the site as a whole. Within the site, development would be contained within a defined area of 65 ha and within that area the development would be limited to a 23% footprint. Whilst that approach may not maximise the efficient use of land, the proposed density is consistent with

that of Heslington West and appropriate because of the proximity of the land to the Conservation Area and the open character of the Green Belt.

190. As to Green Belt objectives, the new campus would provide new opportunities for access to the open countryside whereas now there is none. The sports pitches and recreational facilities would provide enhanced opportunities to those who live close to urban areas. The landscape quality would be enhanced from ordinary agricultural farmland to a low density parkland campus that people would take pride in, in a similar way to their pride in the existing campus. The biodiversity of the site would increase with flora and fauna. The development would have no effect on damaged and derelict land. It would result in the loss of the land from agriculture, but that would be as a result of a greater need for the land for the proposed uses.

191. On Green Belt issues whilst there is harm it is contained and limited.

Landscape and Masterplanning

192. The University proposals would bring about a marked change from the existing open agricultural landscape to a university campus in a parkland setting. There is no intrinsic landscape merit in the existing agricultural land. Mitigation measures are proposed which seek to minimise the main effect of the development. There would be a buffer zone from Heslington village some 250m wide before any built development. That buffer would link directly to the open space extending northwards between Badger Hill and Windmill Lane. The proposed lake and wetland area of 14 ha would provide a positive limit to built development to the south of the site. The 100m wide linear parkway adjacent to Field Lane would be formed before any built development. In addition there would be various areas of mounding and planting which would lessen the visual impact of the proposed development. The landscape structure is intended to provide a distinctive gateway to the city.

193. None of the mitigation measures were taken account of in the landscape assessment undertaken by HPC. The supplementary proof of evidence from Mr Veitch uses the Guidelines for Landscape and Visual Assessment of the Landscape Institute throughout the assessment. The assessment carried out by HPC is partial and inadequate.

194. HPC criticise elements of the University design and recent landscaping by reference to Halifax College and Wentworth College. The landscape referred to is immature and is not representative of the quality of the landscape over the rest of the campus as Mr Veitch's evidence demonstrates. Halifax and Wentworth Colleges also illustrate the problem of trying to fit a building into a site of inadequate size.

195. Draft conditions 13, 14 and 15 dealing with the Design Brief, the Landscape Design Brief and the Landscape Management Plan respectively would secure control over the development proposed to bring about an appropriate quality of building and landscape. Design. The master planning process has been dealt with in an iterative way so far. There has been consultation on the process in the Community Forum as set out and in respect of which changes were made to the application before it was submitted. The general public would continue to be involved in that process as the Community Forum is guaranteed through the S106 Agreement. There is no reason to suppose that what is proposed cannot be of the appropriate quality. It is in the University's own interest to deliver development only of the highest standard.

The Historic Environment

196. The buildings and areas at issue are Heslington Hall which is Grade 2* Listed Building, the Church which is listed Grade 2 and Heslington Conservation Area.
197. There is no Conservation Area appraisal of Heslington. With no Local Plan there is no Development Plan guidance. The closest proximation is the Village Design Statement which is a Countryside Agency initiative adopted by the City Council as Supplementary Planning Guidance to the then emerging Local Plan in 2004 (now abandoned).
198. The proposed development would have no direct effect on any listed building. It does however affect the setting of the both Heslington Hall and the Church. It affects a small part of the Conservation Area in its north eastern section.
199. Mr Brown in his evidence identifies the most negative aspect of the Conservation Area as the large number of traffic signs, bollards and ill considered highway elements which resulted in visual clutter. That was particularly the case with the dual carriageway section of University Road and the roundabout at the junction between Main Street/Field Lane/University Road. The highways and their associated clutter detract from the setting of Heslington Hall the most valuable listed building in the village.
200. It is in the vicinity of the Hall that there would be the most improvement both to the Conservation Area and the setting of the listed building. The proposed highway arrangements would reduce the dual carriageway to single carriageway and provide the opportunity to increase the green space outside the Hall, as well as providing an improved cycle and pedestrian way. There would be the loss of 3 trees but they would be replaced with new planting. The level of traffic would not only reduce directly outside the Hall but vehicles would be located a greater distance from it. The issue is the degree of weight to be given to that benefit and how that weighs in the balance with the harm to Deans Acre.
201. The proposed new link road over Deans Acre has been pulled as far away from the Church as is feasible, taking into account the need to get from the new campus to Innovation Way in a way that is attractive to pedestrians, cyclists and vehicles. The route would be attractive to traffic which would then use it in preference to proceeding to the junction of Field Lane with University Road. The attraction of the route is that it will deliver traffic relief in the centre of the village. The design of the route is agreed with the City Council to be the optimum in both highway and environmental terms. It has been altered from that first proposed in the application to take account of the sensitivity of the local community about Deans Acre.
202. The problem with all the suggested alternative routes is that they are less direct or do not comply with highway standards. As a result they would not be attractive to traffic or safe to use. The prospect of no connecting route at all is not an option given the consequential higher flows of traffic in front of Heslington Hall.
203. Deans Acre is clearly valued by the local community. However, the restrictive covenant referred to by objectors has no bearing upon whether planning permission should be forthcoming or not. In any event submissions about the breach of the covenant are misfounded. The Village Design Statement does not recognise Deans Acre as a valued open space unlike the field in front of the Church and facing Heslington Hall. Although the paddock may be locally valued, it has never been regarded as sacrosanct and Deans Acre has no inviolate status. In fact, even the revised alternative road scheme put forward by HPC would impinge upon Deans Acre.

204. HPC's other concern about the lighting on the road was accepted to be met with a lower level of illumination appropriate on rural roads.
205. The use of the paddock to the east of Windmill Lane as a route for the road was suggested but was not a realistic alternative. The University has no ownership or control over that land.
206. Regarding the spine road connecting the new link road and Field Lane with the new campus, HPC argue firstly, that it should be moved further north closer to Badger Hill and away from the village. Secondly HPC are concerned that there are no details about the lighting proposed on it. The first suggestion is misconceived as it would take the spine road away from the centre of the new campus and so it would not fulfil its function as well. Secondly, full details about the lighting proposed are contained in the evidence of Mr Veitch.
207. English Heritage raise no specific objection about the proposal on heritage grounds. The conclusion can properly be drawn that they have no objection to the effect of the proposal on listed buildings or on the Conservation Area. They contend that the proposal is premature on the grounds that there should be an environmental capacity study for the City before the application is approved. The University was surprised that such an objection was raised so late in the day, particularly as it was contrary to what had been said previously when English Heritage had withdrawn their objections (Letters from English Heritage dated 15 June 2004 and 26 November 2004). The matter is addressed in the evidence of CoYC and is not a valid reason for refusal.
208. As PPG15 paragraph 4.16 states, the purpose of a Conservation Area status is to manage change and not to prevent it. The proposals will have an effect upon the Conservation Area in places. Some of that effect will be negative and some positive. On balance the judgement should come down in favour of the proposals, as a result of the greater benefit to the more valued listed building at Heslington Hall. Whilst the setting of Heslington village would change the parkland landscape would have the advantage of softening the appearance of the village when seen from the A64.

Agriculture

209. The land that will be taken for development is the best and the most versatile, being mainly grade 2 but with some 3a. Policies in the Structure Plan seek to protect the best quality agricultural land and the RSS seeks to minimise the loss of good agricultural land. The latter is reflective of national guidance set out in PPS7.
210. Mr Hawkeswell would lose a substantial part of his farm holding in Heslington if the development were to proceed. He would however be left with his farmstead and 29.4ha. That amount of land could still be farmed, possibly by being put to another crop such as vegetables. In addition he has been given a short term lease at Thixendale Grange on the wolds by his landlords, Halifax Estates. The land is at a distance of 29k from Lime Tree Farm and less good quality, but it is possible to improve the yields from it as Mr Hawkeswell accepted. Halifax Estates are in negotiations for a farm holding in Heslington also but as yet nothing has come to fruition, although there is a possibility that something will come of the negotiations.
211. Understandably the Hawkeswells are concerned about the impact of the development upon themselves. The University has sought to mitigate that impact and encourage Halifax Estates to do what they can to do so. However there is national educational need and economic benefits at stake with the development proposals against one farm unit and its

production. In carrying out the balancing exercise there is little choice as to which way the balance should be drawn. The Hawkeswells have been aware of the prospect of University expansion for many years. They have chosen to stay and have the benefit of farming during that time rather than investigating and making alternative arrangements.

212. It is of significance that there is no objection from DEFRA to the loss of the best and most versatile land.

Residential amenity

213. The objectors' main concern is about the adequacy of student housing provision. In the absence of that they fear what has been termed 'studentification'.

214. Professor Ford made it clear that residential accommodation is proposed for all non home based full time students. There will therefore be no additional loading on the student lettings market. Up to 6 colleges with 600 beds each would be built to meet the demand for accommodation. Whilst students cannot be forced to live in University accommodation, they can be encouraged. The S106 Agreement provides that the University will take steps to encourage the maximisation of student demand. At present there is waiting list for student accommodation. At the last survey, 500 students had an unmet demand for university accommodation. There is no reason to assume that the accommodation provided would not be taken up. That is particularly the case when the accommodation to be offered is intended to be of a variety of designs, including some group sharing arrangements.

215. The S106 Agreement undertakes to build one college of 600 beds before the first occupation of an academic department on Heslington East so that there would be advance provision of residential accommodation. Thereafter the University has undertaken to respond to demand as revealed through the annual survey of unmet student housing demand by bringing forward additional accommodation in units of 300 bedspaces. Despite his suggestion of different figures, Mr McMeeking accepted under cross examination that the S106 Agreement as drafted, now covered all his concerns in relation to adequacy of student housing. Even if there is an under prediction of student numbers he is satisfied that is adequately catered for.

216. Dr Lovett on behalf of the HPC accepted that on the figures with 5,400 FTE new students of whom 9% live at home, the remaining 3,300 students were in need of accommodation. As the University can provide up to 3,600 beds in the 6 colleges proposed there is more than adequate residential accommodation to meet the expansion proposals. Indeed it could mean that there will be less students in the private rented sector than now proportionately.

217. Mr McMeeking calculated a different figure but assumed that the percentage of part time students that there was in 2004/5 remained static so that the figure for part time students remained the same in 2017. It is the impact of that figure that gives him his housing demand figure of 4,500 instead of 3,300. His figure though is based on an erroneous assumption. He accepted that the percentage of part time students had been increasing, that there was a strategic aim to increase the number of part time students, that the provision of new study routes through foundation degrees would increase part time provision and that the development on life long learning and distance learning would be likely also to increase part time numbers. The University is thus using a figure of 29% compared with Mr McMeeking's historic 17%.

218. The other fears about the effect of student lettings in concentrated areas were exaggerated and misplaced in that there are no student ghettos in York whether in Badger Hill or in any other ward as Professor Ford demonstrates in Table 1 of her evidence which shows the

percentage of University of York students by ward in 2004/5 where the highest percentage is 20% of all property in Hull Road ward. The references to other cities such as Leeds and Headingley ward where the evidence is that student lettings account for 60% of the total housing are not a sound basis for comparison as the percentage of student lets is of a totally different order.

219. The other main area of concern relating to anti social behaviour on the part of students is noise. There have been complaints previously about the behaviour in particular on the part of the residents in Halifax Court whether students in term time or holiday lettings. The SSSH campaign organised through the students union has been a success and is appreciated by the local community. The S106 Agreement commits the University to continuing with that initiative. The Good Neighbours Group brokering good relations between the University and the village has noted the success of the initiative.
220. There are positive sides to the role of the University. Not only have the local shops in the village of Heslington flourished as have the schools but the community has the ability to take advantage of the many outreach community activities that the University partakes in.
221. There have been moments of tension between the community and the University, but the two have demonstrated an ability to co-exist and to overcome such moments when they arise by finding a solution with which both parties can live. There is no reason to suppose that the University with the new campus would be any different. Residential amenity, with the safeguards proposed in place, would not therefore be materially harmed by the proposed development.

Highways and Transportation

222. The development proposes initiatives to promote the use of public transport, walking and cycling linked to targets for travel mode share, car occupancy, staff travel management and other supporting measures, so that the road network with improvements at certain locations could be expected to work as well as it would have done had development not taken place.
223. The University introduced a Travel Plan in 2000 which has been successful in that the overall increase in staff and student numbers between 2001 and 2004 was some 16% compared with 0.5% increase of car movements into and out of the University in peak periods. That success is due to be built upon in the Sustainable Travel Plan proposed for the development which is consistent with national advice. Scepticism has been expressed about whether the proposed travel plan would work. What the historic picture shows is that University led transport initiatives actually work.
224. The proposed development would be provided with some 1,500 car parking spaces compared with 2,560 spaces that would be permitted by the application of national standards and 3,288 spaces that would be permitted under York City Council standards. Draft condition 11 limits the parking spaces to be provided. Car parking is therefore heavily constrained. The importance of car parking provision to the mode of transport that people use for their journeys is recognised in PPG13 paragraph 49. No car parking would be provided for students other than disabled students. Staff would be encouraged to use public transport through a variety of incentive schemes. Those incentives could also be applied to employees in the embedded companies. The proposals therefore accord with the advice in paragraphs 52 – 56 of PPG 13.
225. The University's proposals in relation to travel and transport, together with the detailed analysis of impacts, are contained within the Transport Assessment (Documents 3.1 – 3.3). That assessment concludes that, with the introduction of initiatives to promote the use of

public transport, walking and cycling linked to targets for travel mode share, car occupancy, staff travel management and other supporting measures, the road network, with improvements at particular locations, can be expected to operate overall as well as it would have done had development not taken place. The net effect of the Sustainable Travel Plan on travel behaviour would be to encourage a higher percentage of trips being made by travel modes other than the car, higher car occupancy and fewer peak period trips. As a result, although the total number of students and staff is expected to increase by about 75%, peak hour car trips to and from the University is expected to increase by only 25%. Peak hour traffic volumes on the approach roads are forecast to increase by some 6% over 2004 levels as a result of the expansion proposed by the University.

226. On the local roads around Heslington and Badger Hill the transport strategy, with the provision of its peripheral and intercepting car parks and provision of a University Transit System (UTS) with its frequent service every 5/10 minutes throughout the expanded Heslington campus (East/West), is expected to reduce vehicular traffic flows by an average of up to 23% compared with traffic levels in 2004. That strategy is supported by the Green Party.
227. The proposed expansion is ideally located to take advantage of the 120 bus services to the existing campus. That service provides easy access to the city centre, rail station and the wider region. The proposed campus is ideally located also for people to be able to take advantage of the Grimston Bar Park and Ride site and the interchange option provided with the UTS.
228. Because of the combination of different land uses within the University, all of its amenities would be easily accessible by those who wish to walk, cycle or use the UTS or a combination of those. As stated previously the Heslington West campus was designed with the pedestrian at its core and with all facilities within a 10 minute walk time. All facilities on the extended campus would be within a similar travel time. The priority accorded to the pedestrian would be retained. The network of cycle ways and footways would allow users of either of those travel modes to access to the City Centre without impacting upon the road network. The provision of cycling and walking links between the 2 campuses and the opportunity to improve existing cycling and walking facilities are all supported by the Green Party. The provision of the student venue on site, banking provision, retail and recreational provision means that people would be encouraged to be self sustainable on site without the need to recourse to additional journeys. The ability of the proposed development to take advantage of the existing and expanded facilities such as the enhanced library and administrative services on Heslington West means that what is proposed avoids duplication of facilities, reduces the need to travel and results in a sustainable development.
229. As Mr Pontefract's evidence explains, the approach has been to reduce traffic generation by a combination of measures that are secured by planning conditions. HPC accepted that it is better to take that approach than to try and increase the capacity of the highway network. They accept further that, if the Sustainable Travel Plan works, the impacts in travel terms of the development would be acceptable. Further, if the Secretary of State agreed that the conditions and S106 Agreement are enforceable and achievable, then HPC would have no objection. The Green Party regard the conditions as praiseworthy.
230. Draft conditions 6 and 7 propose a mechanism whereby the University monitors on an annual basis traffic travelling to and from the University at Grimston Bar roundabout with the A64, Melrosegate/Hull Road traffic signal controlled junction and Fulford Road/Heslington Lane junction and provides the results of the annual monitoring along with predictions of traffic flows at each of these principal junctions. The results are then to be

used to accompany every reserved matters application and, if the figures of the surveyed position are more than 5% higher than the predicted position, mitigation measures together with an implementation plan are to be prepared and submitted to the City Council. It is only if these proposals are satisfactory that reserved matters approval will be forthcoming. The conditions pass all the tests in Circular 11/95 and therefore are a sound basis upon which to dispense with any highways objections. Similar conditions have been imposed on a business park in Edinburgh.

231. HPC are also concerned about on street parking and the effect on the village and Badger Hill. There is no evidence to support an actual problem. However, condition 12 provides a mechanism to control any off site car parking. There is a dispute over the actual wording of the condition. However, Mr Evelyn indicated in evidence that his professional view was a preference for the wording submitted by the University.
232. The need for and detailing of highway improvement works at the Grimston Bar junction between Hull Road and the A64 trunk road are agreed between the Highways Agency, CoYC and the University. The only point at issue is the timing of the improvements. The Highways Agency acknowledges that there will be a gradual increase in traffic and have requested that the improvement works be completed no later than four years after the date of occupation of the first building on the new campus. CoYC on the other hand has requested that the planning condition requiring these works should be worded so as to require completion before any part of the development is brought in to use. The University's position is that it would be unreasonable to require the completion of the works before occupation and that the Highways Agency's proposed timing is appropriate.
233. Objectors have argued for disaggregation of various elements of the development but without taking into account the traffic and sustainability consequences. Usually one of the arguments in favour is that disaggregation is greater sustainability. The reverse would be true is the case. With satellite sites there would be additional journeys leading to increased use of the motor car and congestion on an already congested network.
234. The Deans Acre link road is the other area of significant dispute. A balance has to be struck between environmental, heritage issues and traffic issues. A road is needed to allow the over designed dual carriageway section of University Road at its junction with Field Lane to be reduced and to provide a more lightly trafficked network along which the UTS can travel. That is common ground. The issue is where such a link road should go. The alternatives suggested do not provide a route that can fulfil its function in meeting the desire line of traffic to make it attractive to use, complying with standards so as not to compromise highway safety and minimise environmental impact. The proposed route is agreed with the highway authority as meeting the required objectives and is the optimum available.
235. Access is applied for as part of this application. The link road is part of the access arrangements. There is no reason to look at any alternative route as all are deficient. Furthermore any alternative would have to be properly investigated and be able to be delivered. That would be necessary to resolve before a further planning application could be submitted. That will cause further delay which for reasons already set out is not acceptable to the University.
236. In conclusion on this issue, the proposed development is located in a sustainable location and sustainability principles have been taken forward in the planning application. The restricted car parking and associated measures including the Sustainable Travel Plan promote the use of public transport and alternative modes of travel to the car. The development is PPG 13 compliant.

Conclusions on the Secretary of State Call in Issues

A. Current and Emerging Development Plan.

237. RSS encourages the retention and development of education facilities under policy SOC 2 in locations accessible by public transport in accordance with locational criteria in Policies P1 and T1. The purpose is to recognise the importance of educational infrastructure to promoting social inclusion, economic growth and regeneration. The objective of Policies P1 and T1 is to minimise the need for greenfield development and to ensure that there is an integration between land use and transport policies.

238. The development integrates the two policy strands and takes advantage of the University's existing location which is well served by public transport. There are no suitable alternative sites. An extensive search has been carried out using a sequential approach. The right approach, if very special circumstances are demonstrated, is to minimise the greenfield land take which is what the University proposes. Subject to resolution of the Green Belt issue the proposal is in compliance with the thrust of the Development Plan policy approach.

239. Emerging RSS is more specific in that it recognises as a Regionally Significant Investment Priority at policy Y1F 'further developing and expanding York University' with an indicative development location shown on the context diagram at fig 9.2. It also gives under Policy E1 support to the development of the knowledge driven economy by supporting the potential of higher and further education institutions. In supporting the Regional Priority Sectors and Clusters Policy E4B advocates the making of specific provision to address the need for accommodation and allocation of sites immediately adjacent to or close to key regional assets, including higher education and university facilities. York University is recognised as having a strength in a Bio Science Research Cluster.

240. The Structure Plan is of some vintage but a saved plan until 2008. It establishes York within the general extent of the Green Belt. Its agricultural Policies A1, A2 and A3 reflect an earlier era. If an adequate alternative site search has been carried out, there is no conflict with those policies. Recreational Policies R1 and R3 need to be read in the context of the current policy climate. They do not preclude development of the sort proposed.

241. The York LDF remains at an embryonic stage. There has been slippage already in its progress. With the history of non appearing Local Plans in York there can be little confidence regarding its preparation within the currently anticipated timescales. No real weight should be attached to it.

B. PPS1

242. The need for development on the scale proposed is dealt with above. Protection of the environment is similarly dealt with above. Prematurity is also dealt with above. High quality design and effect on the character of the area is secured under the proposed conditions.

C. Green Belts

243. It is accepted that very special circumstances need to be demonstrated. They have been demonstrated in terms of educational need, economic benefit and absence of alternative sites. Together they form a package of very special circumstances which over-ride in the national interest Green Belt protection. There is no conflict with urban sprawl due to the contained nature of the site. There is conflict with one purpose of the Green Belt but that can be minimised by the measures proposed. There is a contribution to the objectives of the Green Belt. Harm to the Green Belt is limited and could be ameliorated.

D. PPS3

244. Although PPS3 was issued shortly before the close of the Inquiry, for the purposes of the Inquiry the issues identified in the Call In letter have not changed.
245. There is a need as part of the University business model to use land for student housing. That will sustain the collegiate system and relieve pressures on the York housing market in the private rented sector, notwithstanding that a sequential assessment has been carried out with no sites emerging which met the appropriate test.
246. Where student housing is proposed on the new campus it is at a considerable density of 366 habitable rooms per ha to ensure that no more land is taken than is necessary and that the best use is made of land which is taken. As under issues B good design is at the foundation of the proposals and secured by appropriate conditions.

E. Consistency with PPG4

247. This issue is dealt with under economic benefits and under accessibility issues. There is no conflict with the advice in PPG4.

F. Consistency with PPS6

248. For the reasons explained above, the advice in PPS6 is not considered to be directly applicable to the proposed development.

G. Consistency with PPS7

249. For the reasons explained above, the proposal is considered to be consistent with the advice in PPS7.

H. Consistency with PPS9

250. The issue is dealt with in the evidence of Dr Davidson, Mr Callaghan and Mr Coleman. Comprehensive ecological investigations were undertaken at Heslington East during 2002-2006, including surveys of habitats, hedgerows, aquatic invertebrates, breeding birds, winter birds, barn owls, bats, water voles, badgers and brown hares. The application site is mostly arable farmland typical of the region and there is similar farmland habitat to the south and east of the site. There would be no negative impact on any species listed under the Habitats Directive and minor positive impacts on 4 such species, namely Brown Long-eared Bat, Daubenton's Bat, Noctule Bat and Pipistrelle Bat. Likewise there would be no negative impacts on species protected under the Wildlife and Countryside Act but positive impacts on 6 such species. Those species are Barn Owl and Kingfisher and the four species of bat referred to above. The development would have minor negative impacts on four priority species from the UK Biodiversity Action Plan. They are Corn Bunting, Grey Partridge, Skylark and Brown Hare. Conversely, there would be minor positive impacts on Bullfinch, Linnet, Reed Bunting, Song Thrush, Spotted Flycatcher and Pipistrelle Bat and positive impacts on eutrophic standing water, lowland meadow and lowland mixed deciduous woodland habitats. There would be no negative impact on any site which is of national, regional or local biodiversity interest. The proposed development would create significant new areas of priority habitats for conservation so that there would be an overall positive impact on biodiversity compared to present conditions.
251. There are no geological exposures on the site and the proposed development would have no impact on the local geology or on any listed site of geological interest.

I. Consistency with PPG13

252. For the reasons previously explained, the proposals are consistent with the advice in PPG13.

J. Consistency with PPG15

253. There is no conflict with the advice in PPG15 for the reasons previously given.

K. Consistency with PPG16

254. This issue is addressed in the evidence of Dr Ottaway. There are no adverse impacts on archaeological remains subject to the appropriate mitigation measures being taken to comply with PPG16.

L. Consistency with PPG17

255. The development is consistent with PPG17. Mr Meacock deals with the position in his evidence. There would be substantial recreational gains delivered through the development proposed.

M. Consistency with PPS23

256. This is dealt with in the evidence of Mr Maggs, Mr Connon, and Mr Simmons. There is no objection from the Environment Agency and Yorkshire Water, subject to the imposition of appropriate conditions there is consistency with the PPS.

N. Consistency with PPG24

257. This is dealt with in the evidence of Mr Butterfield and is dealt with through proposed planning condition 26.

O. Consistency with PPG25

258. This is dealt with in the evidence of Mr Elliot and Mr Eliot's supplementary evidence. A Flood Risk Assessment has been submitted to the Environment Agency and received their approval.

P. Whether planning permission should be granted

259. In conclusion, the University has secured all the land needed to proceed with the proposed development. The scheme before the Inquiry is therefore deliverable within the earliest timescale subject to the grant of planning permission.

260. The University has been sensitive to its local community and devised a scheme for its expansion which is sustainable.

261. There are some inevitable adverse impacts given the size of the development and its location. Where ever possible those impacts have been minimised and mitigated as much as it is possible so to do.

262. The result is a development proposal which would secure the future of a national asset, for which there is an overriding need and from the development of which substantial benefits would flow.

263. Planning permission should therefore be granted. The proposal is one with national, regional and local implications and is supported by HEFCE, Sport England, the RDA and two of the local MP's.

Q. Conditions

264. Draft conditions have been the subject of discussion. Their effect is to minimise the impact of the development to an acceptable level. The combined effect is to limit the development to that which was assessed in the Environmental Statement.
265. The development would also deliver real benefits to the local community as secured through the S106 Agreement.

The case for the City of York Council

The material points are:

266. The University is, and has been for a considerable amount of time, important to the City of York in a wide variety of ways. The continued success of the University is therefore of importance to the City. The significance of the University to the City was summarised by the Chief Executive of the Council in evidence. He stated that 'the University is a large employer; its facilities are available to all; their students are an important pool of employment; it adds to the intellectual capital of the City and region; it adds to the creative and cultural capital of the City and region which in turn attracts creative people to the City; as a result of the University, the City hosts the largest European science festival and is a major 'conference destination'; it is a key partner in the SCY project. With reference to the current proposal, Mr Atkinson summarised the importance of it to the City as 'the University proposal goes to the heart of the Council's plans, aims and themes and has the strong support of the RES and National Guidance'.
267. The University is a successful institution and is the best placed body to know its own business. The Council accepts that it must continue to move forward and grow to a suitable level. It is also accepted that the University needs to expand. The critical elements to the Council's decision making process have been to assess the scale of development needed, the best location for such development and how to reduce any harmful effects to an acceptable level whilst maximising the benefits for the City and the region.
268. However, despite the strong support in principle for the continued success of the University, the Council lends its support to this specific proposal having thoroughly and independently assessed all aspects of it. All aspects of the proposal and all responses received through consultation have been assessed in a way that enabled the Council to carry out a full and balanced judgement, which weighed in the balance all competing views, in the interests of the City as a whole.
269. It is acknowledged that the proposals would result in some negative impacts to some interests. However, through the controls proposed by way of conditions and the S106 Agreement, it is considered that those impacts can be reduced to an acceptable level when weighed against the tremendous benefits which the proposals would bring to the City and the region.
270. The Council's response to the issues on which the Secretary of State particularly wished to be informed are set out below.

A. The extent to which the proposed development is consistent with the current and emerging development plans.

271. The Statutory Development plan comprises the Regional Spatial Strategy, adopted December 2004 and the North Yorkshire County Structure Plan 1995. Predominantly as a result of local government re-organisations, reviews to local authority boundaries and

changes to the statutory planning regime, there is no up to date adopted Local Plan. The Draft Local Plan (incorporating the fourth set of changes, seeking to address objections to earlier objections), was adopted by the Council in April 2005 for development control purposes. Work on the new Local Development Framework has commenced, although it is acknowledged that the LDF is at a very early stage and the anticipated timetable for the eventual adoption in the summer of 2009 has already slipped to a small degree.

272. Given that the Draft Local Plan was never formally adopted or the subject of a public inquiry, only little weight can be attributed to it, in isolation. However, with reference to policies governing the expansion of the University and development in the area of the site, the Council submit that some weight can be attached to the principles of the policies as a consistent approach has been taken, dating back over 40 years. As set out within Mr Dixon's App 4; the East Riding DP (1967) identified 325 ha of land for future University development. The area identified included the western part of the current application site. The principle of reserving land in the Heslington East area for University development was then carried forward and incorporated into all subsequent plans and draft plans, namely Selby Rural Areas LP (1984), the Selby District LP (1995), the Draft City of York LP 1998 and the Draft City of York LP. The Draft York Green Belt LP (1995), which was not adopted but was the subject of a Public Inquiry and Inspector's report, accepted the principle of University development in and around the current site. Given all of the above, it would be a significant departure from all its predecessors and longstanding aims if the emerging LDF in its final form were not also to allocate the application land for University development.
273. Given the extensive and consistent policy approach, University development on the application land has been part of the planning landscape of York for over 40 years and the proposal is consistent with that planning landscape.
274. The RSS and NYCSP set out a number of strategic policies, which are generally consistent with national policy and against which the proposal should be judged. The RSS was published in 2004, with an end date of 2016 and as such carries weight. A draft replacement RSS was issued for consultation in December 2005 and has been the subject of an examination in public. Therefore some consideration should also be given to the more up to date document. Having been adopted in 1995, the NYCSP is now relatively old but is still a formally 'saved' plan to 2008. It therefore must carry some weight.
275. A key point which the RSS emphasises is the importance of the creation of business clusters as a tool for ensuring economic growth within the region. The creation of business clusters is central to the University's application. The Council considers that for certain aspects of business clusters there is a need to have co-location and the uses within University's proposals demand such co-location. The RSS, amongst other matters, places great weight upon the retention and development of educational facilities in conjunction with the promotion of development at accessible locations in accordance with location criteria (Policies P1 and T1-6).
276. The emerging Draft RSS (up to 2021) picks out the University as central to the future economic development of the York sub-area (Policy Y1F). The Draft RSS identifies both expansion of the existing University and the development of York Central. Consequently, the regional strategy does not see the development of both sites as competing alternatives but recognises a requirement for both to occur. The Draft RSS also sets out that York will require a full range of employment sites over the plan period. The University's proposal provides employment of a specific nature and type and provides for only part of the full range. Further sites in and around York will still be required to provide for the full range.

277. The RSS notes that the general extent of the Green Belt was approved in 1980 but the detailed boundaries are yet to be settled. It is accepted in the current context that the site is to be treated as being within the Green Belt and as such the proposed development is inappropriate and very special circumstances need to be shown in order to justify the granting of permission. The Council consider that very special circumstances do exist.
278. Therefore with the exception of the basic Green Belt issue, the Council considers that the development plan is generally supportive in respect to the current proposal.

B. The extent to which the development is consistent with PPS1

(i) The need for the development

279. In overall terms, the Council considers that the University is the best placed party to know the needs of their institution. They have set out in evidence the amount of development and facilities which they need in order to build upon their current success and the Council has no reason to disagree with their assessment. As far as the need for further floor space for teaching and accommodation purposes is concerned, no party to the inquiry suggested that the University do not require the extra capacity which they seek.
280. Regarding the first the issue of whether sufficient space exists within the current campus, the central question is whether the University's requirements and operations are capable of desegregation. If they are not, both CPRE and HPC accepted that sufficient space does not exist to redevelop and intensify the existing campus in an acceptable manor and still provide for all the development sought. Such redevelopment would involve buildings across the existing campus, with the current footprint, of development up to nine storeys in height, a matter which all agree would be seriously detrimental in visual and character terms. One of the important qualities of the existing campus is the parkland setting and landscaping. An increase in the 20% footprint cap would lead to an increase in development density, significantly changing the character of the site. Professor Cantor, for the University confirmed that the setting of the existing Campus is one of the main attracting features to new students. The Council consider that an intensification of development to the level that would be required would be entirely unacceptable.
281. In relation to the question of whether identified uses could be disaggregated again, the Council considers that the University are best placed to consider this matter. The Council is satisfied that the University business model has always been based upon a campus structure and accepts that the campus structure has been one of the University's features of success. To differing degrees Mr Southern, Mr Hindle and Mr Dixon all assessed the matter on behalf of the Council and concluded that there was no reason to disagree with the University. The Council notes the correspondence and support from HEFCE, for the University's model. If it is accepted that the University should continue with a campus based model, the Council submits that it is clear from all of the evidence that no alternative brownfield site exists that is available and which is of a sufficient size.
282. The availability of alternative sites has been reviewed on two separate occasions throughout the life of the current application. No alternative site exists which is both genuinely suitable and available. Mr Southern, critically analysed that assessment put forward on behalf of the University by Mr Lloyd and verified it against his own findings and knowledge of the City. The lack of any alternative sites is a factor which should weigh in favour of the development of this site. It is also a factor which is capable of being a very special circumstance.

283. Regarding the Governments objectives for higher education, the White Paper, the Lambert Report and the Government's Response to the Lambert Review, all set out the general aim to continue to expand higher education opportunities and to widen participation for all, whilst also acknowledging the need for the knowledge based economy to expand in the global market. The current proposals are consistent with those. In granting a very significant amount of funding to the proposal, the Council considers that HEFCE are also satisfied that the proposal contributes to the Governments aims and are also satisfied that there would be no detrimental effect upon any other educational providers in the region, a matter HEFCE requested specific information upon, prior to lending their full support to the proposal and granting funding.

284. The only issue therefore that remains in relation to this issue is the need for the amount of land which is said to be specifically required for SCY uses. Mr Hindle and Mr Southern for the Council and Mr Henshall and Mr Lloyd for the University set out in detail why there is considered to be a requirement for 25ha of land in connection with SCY uses. The Council is satisfied that a need exists for the scale of development proposed and in the proposed location.

(ii) Protection and enhancement of the environment

285. The Council acknowledges that the existing landscape at the site will change but as set out within Miss Priestley's evidence, the existing landscape has no specific positive qualities. It is not considered to specifically add to or protect the character of the environment. In contrast, an interesting parkland setting will be created which is considered to be of visual quality and good design, whilst also enhancing public amenity in terms of access to the countryside and wildlife interest.

(iii) Prematurity

286. It should not be the case that the planning system arbitrarily prevents development. In the current context, if the application were to fail on grounds of prematurity, that is precisely what will have happened. It is stated by objectors that determination of this application should not occur until York has an adopted LDF. The 'allocations' DPD is not envisaged to be completed for several years, further delaying any certainty for the University and the City.

287. The University has presented evidence (Professor Sheldon) upon the urgency of its need and that if expansion is not forthcoming in the near future the effect would be catastrophic. Both the University and the Council consider that very special circumstances exist. There is no suitable and available alternative site and the proposal is of a type which will not be replicated by any other development in the City. It cannot be argued that the granting of permission for the proposals would set any form of precedent.

288. Therefore, the only possible argument against the proposal on the grounds of prematurity would be to allow the LDF process to run its course and more specifically, to allow the LDF to adjudicate on whether or not the site ought to be kept permanently open as part of the Green Belt. It would be rather strange, if having been reserved for possible future University expansion for more than 40 years it were now found to be premature to allow it to be developed. Furthermore, there is an extended history of plan preparation in the area and the application has already been processed and considered for some time. There is an extended timetable for LDF preparation and the University has presented evidence upon the urgency of need. All of the above taken together, has led the Council to the conclusion that

the University, as well as national and regional objectives, would suffer significant and serious detriment were they required to await the conclusion of the LDF process.

289. The Surrey University Case Inspector (Appendix 5 of Mr Dixon's evidence), considered much the same point and concluded that 'the locations of future development need to be certain and free from serious planning difficulties if they are to be funded and developed on the timescales the university requires...'. In relation to the length of time it would take to complete a forthcoming development plan review he added '...if there is no substantial reason to do so the University's need should not be unduly delayed'.

(iv) Whether the scheme would secure a high quality of design and its effect on the character of the area.

290. As Miss Priestley states in her evidence the proposed development would have a substantial visual impact on the landscape and would result in a dramatic change. Nonetheless, the development has the potential to create an interesting, high quality landscape setting and a worthy counterpart to the nationally recognised landscape design of the Heslington West campus, whilst providing new opportunities for public access and general outdoor recreation.

291. The Council has analysed the EIA and accepts that a suitable and correct five point scale methodology was used in assessing the quality of the existing landscape and change which would thereafter flow from the proposal. The farmland part of the site is identified as being of 'ordinary quality' within the EIA. It is described as 'wooded arable low land' within the ECUS landscape character assessment. It was accepted in cross examination of CPRE and HPC to not be unusual around York in terms of its character. The York Green Belt appraisal contains a similar conclusion. Although land to the south of the site is included within the category of 'retaining the setting of the City', the site itself has no such designation and cannot be afforded such value.

292. The development would take place in accordance with a masterplan and design brief, which would be approved by the Council. Draft conditions 2, 4, 13, 14, 15, 17 and 22 would ensure that a development of high quality design and landscaping would come forward. It is also considered that the buffer zone planting, landscaping and wetland areas would bring an enhancement to the visual qualities of the area. It is also important to note that currently there is no public access to the main body of the site and this part of the Green Belt. As a result of the proposals, public access will occur and the many visual, wildlife and recreational qualities of the site would be able to be enjoyed by all. In addition, due to the road network proposals around Heslington Hall, it is considered that the removal of traffic from immediately adjacent to the hall and a reduction in traffic passing through the village would have a positive impact upon the setting of the Hall.

293. It is accepted by the Council that the setting around the church at Dean's Acre is of high quality and that this setting would suffer moderate adverse detrimental change predominantly as a result of the proposed link road. However, given the many benefits of this proposal and the mitigation measures proposed and governed by condition and the S106 Agreement, the Council considers that any harm caused to this part of the village would be far outweighed by the many benefits of the proposal.

294. With reference to PPG3 and good design in relation to the landscape, paragraphs 46, 52-54, 56 and 68 are all of relevance. The principles contained within the paragraphs can be summarised as seeking to achieve sustainable residential environments through making greener residential environments, quality of design and the most efficient use of land.

Through the development brief and the conditions noted above, the Council submits that a very green and pleasant environment of high design quality would result. Much of this would be achieved by the restriction of built footprint to 23% within the campus. There is slight tension between the aims of a greener environment and most efficient use of land. However, balancing the competing interests, the Council considers that the right balance has been struck between development and mitigating the visual impact of the development. In terms of the residential element of the proposal, it is submitted that the development would make the most efficient use of the land.

295. Although there is a degree of overlap, PPS7 is also of relevance to the issue of sustainable rural areas and protection and enhancement of the wider countryside. Of specific relevance are paragraphs 2, 14-16 and 26. The Council considers that the proposal complies with and assists the aims set out within these paragraphs. The matter is considered in full within S.7 of Miss Priestly's proof.

C. Consistency with the advice in PPG2 with particular regard to:

(i) whether the development is inappropriate development in the Green Belt by reference to the guidance in paragraphs 3.1-3.4 and any relevant development plan policies and, if it is inappropriate, whether very special circumstances exist which clearly outweigh the harm to the Green Belt caused by reason of its inappropriateness, and any other harm?

296. It is accepted that the main body of the application site is within the Green Belt and as such the development of a University campus by definition would be inappropriate development and very special circumstances need to be demonstrated, sufficient to clearly outweigh the harm.

297. Inappropriate development is by definition harmful to the Green Belt but it is important to assess the degree of harm in each particular circumstance and whether the land should be kept permanently open. To that end the decision maker is required to undertake a balancing exercise and consider the degree of actual harm which would arise from the proposed development. Such an exercise should be carried out by looking to the purposes of the green belt as set out in per PPG 2.

298. The development would have little if any detrimental effect upon the five purposes of the Green Belt. The development cannot lead to the unrestricted sprawl of the large built up area as the permission sought is for a specific area of land, for a specific and highly distinctive purpose and therefore a permission would not lead to unrestricted sprawl. Given that the site is on the inner edge of the Green Belt and urban fringe, the question of urban coalescence does not arise. Were the development to occur, some countryside would be lost and therefore there would be conflict with the purpose of safeguarding the countryside from encroachment. However, that is not the same as to conclude that the land ought to be kept permanently open. This particular site has no specific landscape value or function, as verified by the York landscape appraisal, green belt assessment and the EIA. The development would have no detrimental impact upon the setting of York itself. The inspector to the Green Belt Local Plan in 1993 concluded that the principle function of the Green Belt was to preserve the setting of York, yet equally supported the expansion of the University on this site. In that way, the conclusion can be reached that the site does not contribute to the fourth purpose of including land in the Green Belt, namely to preserve the setting and special character of historic towns. The final purpose of any Green Belt is to assist in urban regeneration by encouraging the recycling of derelict urban land. The

development at first seems to conflict with this purpose. However, given the specific needs of the University and the fact that those needs cannot be accommodated within the urban area, a refusal of planning permission would not result in development being directed towards the City Centre. Finally, there is no evidence that development of the site would prevent any city centre brownfield site from being developed.

299. An additional benefit of this scheme in green belt terms is that it would enable public access to the site for recreational purposes in furtherance of the Government's objectives for the long term use of sites in the Green Belt. For all of those reasons the Council considers that the weight to be given to green belt harm should be heavily qualified.

300. Regarding whether there are benefits which are sufficient to outweigh that harm, the very special circumstances are considered to be the over-riding educational need, the economic benefits to the City, region and nationally and the absence of any suitable and available alternative site. Furthermore, when taken together, the following matters are capable of providing very special circumstances: the provision of public access to the site, the provision of outdoor sport and recreational opportunities for all, the creation of an attractive landscape setting and enhancement to the setting of Heslington Hall and the provision of increased nature conservation interest. However, the Council makes clear that, in its view, it is only the cumulative nature of these specific benefits which make them capable of being very special circumstances.

301. As a result of the above, the Council consider that there are more than sufficient very special circumstances demonstrated by this proposal, to outweigh any harm caused to Green Belt policy. It was also noted within the evidence of Mr Dixon that the Inspector at the Surrey University case referred to above, concluded that, amongst other issues, the following very similar three matters were capable of being very special circumstances; these were: the need of the University to continue to grow in order to fulfil national policy for the higher education sector, as well as its own role under its charter; the fact that the expansion site had been treated as reserved for the University since its inception in the 1960s; and, the absence of suitable alternatives.

- (ii) Whether the proposed development would conflict with the fundamental aim of the Green Belt to prevent urban sprawl;**
- (iii) The extent to which the scheme would be consistent with the purposes of including land in the Green Belt; and**
- (iv) Whether the proposed development would harm the visual amenities of the Green Belt by reason of its siting, materials or design.**

302. Matters (ii) – (iv) have been considered above.

D. The extent to which the proposed development would conflict with PPG3 with particular regard to:

- (i) Whether an adequate sequential test has been properly applied and whether there is a need to release greenfield land for the purpose of providing student housing in York;**

- (ii) The accessibility of jobs, shops, and other services from the site by modes of transport other than the private car, and the potential for improving accessibility;
- (iii) Whether the proposed development would make the best use of land, taking into account its density, layout, design and level of car parking provision, having regard to the advice in paragraphs 54 -62 of PPG 3:
- (iv) Whether the development would represent good design having regard to the landscape of the locality.

303. The Council's position regarding the design of the development has previously been set out. Regarding the other matters listed above, with the proposed development footprint and relying upon the information in the facilities brief and EIA, the student accommodation will be built at a gross development density of around 366 habitable rooms per hectare. This is an extremely high density and equivalent to some current city centre high density urban housing schemes. Given the above, it is hard to see how the housing development on site could be developed in a more efficient way.

304. All student accommodation is to be situated on the new campus. This would enable students to live close to the majority of the facilities that they would require access to. It is therefore a highly sustainable location. Part of the University's fundamental justification for expansion is based upon the campus model. If that is accepted it would make no sense to disaggregate the housing element to more distant locations as it would result in the students having to travel further to access the University and its facilities. Given that the University housing needs are specific and focussed around access the campus, it would be a better use of scarce brownfield sites in the City to reserve those for other general housing and employment needs rather than introduce an additional competing use.

305. The proposal is also sustainable having regard to advice in PPG3, in relation to parking provision. The provision of 1500 car parking represents a low parking ratio in a sustainable location. The low parking ratio is made possible by the series of green travel plan measures that are proposed as part of the application. Mr Evely describes the measures in detail in his evidence and how they would be introduced to keep pace with the development and how the measures would maintain acceptable traffic conditions throughout the City and promote the use of modes of transport other than the private car. The development proposal integrates teaching, research, housing, social and sporting facilities in a single location with a raft of transportation and movement facilities and as such, the site and proposal are sustainable and in a sustainable location.

E. The extent to which the development is consistent with PPG4 with particular regard to:

- (i) **balancing the locational requirement of business with wider environmental and social objectives.**

306. The employment part of the proposal would be highly specialised and integrated with the University's expansion, as explained in Mr Hindle's evidence. To qualify for space at the campus, employment generators will have to demonstrate their need to be located close to the University and fulfil the detailed criteria set out in draft condition 5. The Council believes that the criteria as set out in the condition are robust, precise, enforceable and comply with the tests in Circular 11/95. Given the specific nature and needs of businesses which would comply with the criteria, such uses would be distinct from conventional 'business park' uses.

307. As such, the employment uses would not be in competition with other, more generalised, potential employment developments elsewhere in the City. The proposals are also consistent with national and regional policy to promote knowledge transfer and business clusters, with particular regard to the RES, as referred to in the RSS, which proposes centres of excellence clustered around higher education institutions and lists it of such importance to the regional economy that the aim is stated as 'objective 1'. Policy E4 of the RSS encourages geographic proximity that will make the most of links between commercial uses and university uses. The University has presented evidence upon the need for a certain element of space to be for embedded research, where proximity and close links are key. It is of note that the proposals have the support of both Yorkshire Forward and HEFCE.

308. Mr Hindle's evidence and Mr Henshall for the University detail why the amount of land to be set aside for scientific research type uses (up to 25ha) is both a reasonable amount and the amount needed. Mr Hindle's evidence also explains why it is essential for those uses to be situated on the University campus. As is apparent from Mr Evely's evidence, the location of the commercial element in conjunction with the green travel plan measures would restrain car use in the City and add to the overall sustainability of the proposals. Taken together with the fact that the uses of this element of the campus are to be tightly controlled for the special purposes listed, the Council considers that the proposal strikes a proper balance between the interests of commerce, the environment and social objectives.

(ii) Maximising the use of previously developed land in sustainable locations for all forms of built development

309. There are great advantages in having close integrated links between business development and the University and in having closer geographic links as the opportunities for knowledge transfer are greater. If it is accepted that SCY uses specific to this proposal are best placed in co-location with the University, then it is apparent that no previously developed site exists to accommodate all the University's space requirements.

(iii) Encouraging development in accessible locations

310. Accessibility in the context of PPG4 must encompass the relationship between the University and business as well as the wider concept of accessibility as discussed in PPS1 and PPG13. In terms of the relationship with the University, the business element of the proposal is highly accessible for reasons already set out. Wider accessibility issues, are addressed below.

F. The extent to which the proposed development is consistent with the advice in PPS6 particularly:

(i) whether it has been demonstrated that an adequate and flexible sequential approach has been applied in selecting the location for the proposed development.

311. It is apparent from the facilities brief that only some 500sqm of floor space within the campus would be taken up by retail uses, principally aimed at the student population. Given the amount of people it will cater to (approx 10,000) per day, and the advice in PPS6, in relation to the provision of local shopping facilities, the Council submits that the provision is consistent with Government policies and principles on the issue.

G. The extent to which the proposed development is consistent with PPS7

312. As previously explained, the application proposals would utilise land for a distinctive and specific purpose. Given the unique circumstances of these proposals, the principles and strict control normally exercised in such areas would not be undermined.
313. The land does not have any particular currently identified landscape value. However, the proposals create an opportunity to use the site for recreational purposes. Furthermore, the main built development element of the application would be concentrated within the heart of the site with extensive landscaping and screening around it. The result would be to maintain, to a great extent, the integrity of the wider landscape.
314. It is an unavoidable consequence of these proposals, that grade 2 and grade 3a agricultural land will be lost. However, this is an element which needs to be weighed in the balance with the many additional resulting benefits. It should also be noted that DEFRA have not raised any objection to the development as proposed.

H. The extent to which the proposed development would conflict with PPS9

315. No sites of particular nature or geological importance are contained within the application land. Some existing habitats would suffer harm as a result of the proposals, predominantly during the construction phases. However, through the site layout and proposed mitigation measures, the development offers the opportunity to replace and in many instances enhance the nature interest of the site. Matters of mitigation and enhancement are considered by the Council to be fully controlled through the imposition of the draft conditions.
316. There is no issue between the parties in relation to geological matters and the Council presented no evidence on the matter. The Council considers that the overall aims and requirements of PPS9 are achieved by the proposal.

I. The extent to which the proposed development would conflict with PPG13 in particular:

- (i) the need to locate development in a way which helps to promote more sustainable transport choices; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and, reduce the need to travel, especially by car;**
- (ii) whether the proposal complies with local car parking standards.**

317. As previously explained, the Council considers that the proposals comply with all guidance in relation to locational sustainability factors. However, the Council also accepts that the key to PPG13 compliance is the University's Green Travel Plan initiatives. It is imperative that the proposals are adhered to and implemented. The Council is confident that through the various proposed draft conditions and S106 Agreement, the above will be achieved and as such compliance with PPG13 would be achieved.
318. It is acknowledged by the Council that the proposal would be unacceptable in highways terms and transport sustainability terms if the various controls and Green Travel Plan (GTP) were not to be implemented and enforced. Therefore, as noted above, this issue is central to the proposal and the Council's support of it.

319. The underlying highway issues, although of concern to local residents, are simple ones and the underlying solutions and controls are equally as simple. All parties agree that the aims of the GTP and controls are laudable and welcome aims. All parties agree that if the GTP delivers what it promises to deliver then there could be no objection from any party taken on the grounds of highway safety or sustainability. It is accepted by HPC that there are in principle 3 ways to mitigate the impacts of any development: (i) to make physical changes to the road network and thereby increase the capacity of the network to accept an increase in traffic; (ii) to reduce the amount of traffic that the development would generate; or (iii) a combination of both of the above. It was agreed that due to the specific characteristics of York as an historic town, the physical widening of all roads and junctions would be almost impossible and thus an increase in the capacity of the network would be very difficult to achieve. Furthermore, even if the capacity could be increased, this would not be a sustainable option in the long term as that capacity would eventually be taken up and traffic congestion would ensue. Therefore, it seems that for York the best and most sustainable option is to seek to minimise traffic generation across the City.
320. Reducing traffic generation as a whole, rather than increasing road capacity, is entirely consistent with current government aims. In cross examination HPC accepted that they were at one with the aims of the Council and that there could be nothing fundamentally wrong with seeking to reduce impacts across the City by adopting a strategy of a reduction in traffic generation. The GTP if implemented would serve to reduce the amount of traffic on the York road network.
321. As Mr Evely's evidence demonstrates, the Council has carried out extensive analysis of the effects of the proposed development on the local highway network. In fact it has gone further and assessed what the impacts of this development would be if the proposed major housing developments at Germany Beck and Derwenthorpe were to receive planning permission. The findings of the Council's surveys and analysis demonstrate that, in general, there would be no detrimental effects as a result of any of the University's proposal. The Council's highway department has assessed the application in the utmost detail and with the greatest of care. But even if various of the assumptions contained within the assessments were found to be flawed, it would be of little relevance, because of the innovative way the Council proposes to deal with the matter. It is better to limit a development to defined outcomes which are assessed as being acceptable, rather than to attempt to predict the effects of a development, make physical changes to a road network and hope that the initial predictions were correct. Even if the assumptions to the University's traffic assessments are wrong, the University is still bound to deliver specific, known and acceptable outcomes.
322. It would seem that the only complaint the objectors have to the proposals in highway sustainability terms is that they do not believe the GTP would in fact be delivered. The Council submits that this is an entirely unfounded and unrealistic concern. The GTP must be delivered in its entirety or successive stages of the development would be unable to occur. Through the imposition of draft conditions 6, 7, 10, 11, 16, 31, 32 the Council's suggested wording for a combined draft condition 8 and 9, the Council's suggested wording for draft conditions 12 and 42 and the S.106 Agreement, when taken together all amount to a suite of controls which are more than adequate to enforce and achieve the assessed and acceptable impacts.
323. All parts of the transport strategy and requirements of the GTP, including the central components of the UTS, the peripheral parking strategy, the limit upon the amount and location of car parking and the link road are all in compliance with the aims of PPG13 and PPG3.

324. The other concern of objectors relates to the siting of the link road. HPC consider that the proposed route would have a detrimental impact upon the setting of the Heslington Church and Deans Acre. All parties accept that the existence of a link road in principle is necessary for the success of the transport strategy as a whole, and that such a link road would need to be in such a condition and of such a route that it encourages people to use it, thus diverting about 1/3rd of traffic away from the village centre, and enabling the consequent benefits. It is agreed by all that the route of a link road should be as direct as possible, should create the minimum disruption to free movement, should be seen as convenient, quick and safe to use and as close as possible to the desire line. The Council accepts that the above factors must then be weighed in the balance with other competing planning factors.
325. The scheme proposed by the University and amended through the course of the application is considered by the Council to strike the required balance. The alignment and route of the road is considered to be the best available, taking into account all competing factors. HPC suggested to the inquiry an alternative alignment. The suggested scheme is deficient in a number of ways, including in terms of safety requirements. The HPC alternative would need to be modified in a number of ways before it could be seen as a realistic alternative. The Council submits that if the required amendments to the HPC scheme were made the resultant scheme would be remarkably similar to that proposed by the University. As a result of the above the Council are satisfied that the University's proposed scheme satisfies the requirements for a link road in all important aspects and also strikes the required balance in planning policy terms. The Council concludes that the proposal when taken as a whole is compliant with all national, regional and local policy.

J. The extent to which the proposed development would conflict with PPG15 in particular:

- (i) the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
- (ii) the desirability of preserving or enhancing the character or appearance of conservation areas.

326. As a result of the proposals, the setting of Heslington Hall would be enhanced. There would be a reduction in traffic within the village. The carriage way closest to the Hall would not be in use and traffic would be removed entirely from close to the Hall. The proliferation of highway signage in the area could also be reduced and it may be possible to introduce additional landscape features. The amended western access also reduces the impact of the proposals upon the conservation area and in particular the impact on the church. However, it is accepted that some harm will be caused to the setting of the church and the area by the proposed link road. However, when taken together with landscaping and mitigation measures proposed and the benefits flowing from the overall development, the Council case, through the evidence of Mr Dennis, is that such harm would not be sufficient to warrant a refusal of permission. Although there would undoubtedly be an effect upon the setting of the church, the effect of development upon the setting of the remainder of the conservation area would be very limited in its extent. English Heritage, as a statutory consultee, does not object to the details of the proposal.

K. The extent to which the proposed development is consistent with PPG16

327. The evidence of Mr Oxley, demonstrates that the University carried out an adequate assessment and evaluation in respect of archaeological matters. The Council is satisfied that

through the imposition of draft condition 33 and mitigation measures, suitable controls would be in place so that the development accords with PPG16 requirements.

L. The extent to which the proposed development would conflict with PPG17, in particular:

- (i) **Whether or not any assessment of the needs of the local area has been undertaken and specific needs and quantitative or qualitative deficits or surpluses have been identified.**

328. Mr Smith's evidence sets out the Council's case on this issue. In brief, an assessment of the needs in the local area was undertaken. It identified certain deficiencies in certain provisions and the University proposals address some of the identified deficiencies. The Council therefore consider the proposal to be fully compliant with PPG17.

M and N. The extent to which the proposed development would conflict with the advice in PPS23 and PPG24

329. Mr Suckling's evidence addresses the above issues. The Council considers that through the imposition of draft conditions 13, 25, 26, 27, 29, 39, 40 and 43 suitable controls would be in place which would ensure that no contravention of policy guidance in respect of both noise and pollution control would occur.

O. The extent to which the proposed development would conflict with PPG 25

330. No objections were received from the Environment Agency and the site is not situated within a flood plain. It is not anticipated that any conflict with PPG25 would arise. Mr Smith deals with the matter at S.5 of his evidence and confirms that the imposition of draft conditions 13, 17 -25 and 36 – 38 would be sufficient to achieve compliance with all matters arising from PPG25.

P. Whether planning permission should be granted.

331. As a result of all of the forgoing sections and with reference to the overall balancing exercise undertaken, the Council considers very special circumstances exist which outweigh the harm to Green Belt policy and that the many benefits associated with the development far outweigh any harm that may be caused in relation to discreet issues. The Council were therefore minded to approve the application, subject to the draft conditions and S106 Agreement.

O. Conditions

332. The Council agrees with the draft conditions, with the exception of conditions 8, 9, 12 and 42. The Council would wish to see all the draft conditions as set out in Doc 71 imposed upon any grant of planning permission subject to incorporating the suggested changes to the above four conditions. The Council considers that the conditions all comply with the tests as set out in Circular 11/95.

The case for Heslington Parish Council (HPC) and Heslington Village Trust

The material points are:

A. Whether the proposal is premature

333. It is HPC's view that the proposal would be in clear conflict with the policies of the RSS and the NYCSP. The proposal would entail an unjustified expansion of the University on to a greenfield site on the edge of York. There is insufficient evidence of a need for the development to be located all on one site, or that sequentially preferable sites are not available. The impact of the proposals on the City Centre, including on private investment in the City Centre and the prospects for bringing forward other more central sites, have not been properly addressed. Even if a sustainable need were shown, which HPC does not concede, the argument that it is impossible for the University to expand on to split sites is entirely unconvincing. Many major universities have done this successfully over many years and a similar programme could bring welcome life and commerce into the City.
334. Overall, the application would undermine the policies in the Development Plan that give priority to the development of previously developed land in urban areas. Furthermore, for the reasons explained below, the extension of the University would constitute inappropriate development in a Green Belt, and there are no very special circumstances in this case that would clearly outweigh the harm caused by reason of inappropriateness.
335. PPS1 advises that it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but has not yet been adopted. Refusal of planning permission may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development. HPC maintains that a high and extensive level of consultation is particularly important in this case because of the sheer scale of the proposal. The area envisaged for the new campus is considerably larger than the entire walled city of York. Moreover at a cost of £500m it is the largest single scheme both in finance and area ever envisaged for York. Such a large development would bring inevitable implications for the whole of the City of York in transport, infrastructure, housing, social mix, the environment and sustainability. At the inquiry a number of City of York Councillors, across the political spectrum, expressed their serious misgivings on these points. The application must be considered in the widest city-wide context with full public consultation to determine how best, if at all, it might fit in with York's own vision of its future. Moreover, the results of public consultation cannot be presumed. Anything less than the full LDF process would undermine the principles of proper legal procedures and therefore be inherently flawed and would be wholly undemocratic.
336. The core legal principle is that 'fairness must be discharged' and procedures must be fully transparent and open. A Public Inquiry on a single application is no substitute for an LDF.
337. University Supplementary Proof 10. para 4.1 states the University would have liked to progress with the expansion onto Heslington East earlier, but it has been awaiting an adopted Local Plan and that it has waited as long as it can before coming forward with the current planning application. HPC does not consider that contention to be sufficient ground for approval. It further maintains that most of the reasons given by the University for the need to proceed at the present time are groundless or relate to needs that are very specific to the ambitions of the present university administration, including the finance for the commercial component of this development, rather than the needs of the wider community.
338. In the context of York, there are unlikely to be bigger or more significant development projects than the University's proposals. This is of particular importance, given the emphasis placed on the primacy of the Development Plan process and the primacy of such plans in decision making in national policy and the emphasis on community involvement in such processes. These policy imperatives underlie all recent planning policy guidance.

339. It is stated in PPS1 paragraph 18 that refusal on prematurity grounds is seldom be justified. However, the guidance is not prescriptive and it clearly envisages situations where a refusal of planning permission would be justified, notwithstanding a delay. It is a matter of judgement to be exercised by the decision maker.
340. HPC considers that the supposed harm occasioned to the University through any delay is more than outweighed by the prejudice suffered by local residents and residents of the City, through being deprived of an opportunity to comment on and materially influence development proposals through the development plan process.
341. At present, the information provided with the application only allows the merits of the particular application site to be considered. A development plan inquiry would allow the allocation of the Heslington East site to be considered on a city-wide basis, taking into account other available sites. The LDF review would provide an up-to-date record of suitable sites as these would come forward through the representation process. Sites would also be identified in associated LDF background documents, such as urban housing potential studies and the employment land availability studies. The allocation of the site could then be considered on a city-wide basis, taking into full consideration the scope for disaggregation of the scheme on more sustainable brownfield sites.

B. The deliverability of the proposed development.

342. HPC makes no particular comment on the deliverability of the proposal.

C. Whether there are very special circumstances sufficient to outweigh the harm caused to the Green Belt by reason of inappropriateness and any other harm.

343. It is agreed by all parties that the expansion of the University constitutes inappropriate development in Green Belt. Accordingly, if the proposal is to succeed, the applicant must prove that there are very special circumstances which outweigh the harm to the Green Belt and any other harm.
344. In the application, reliance is based on the following very special circumstances: economic and social benefit to the City; lack of suitable alternative sites; draft City of York Local Plan allocation; allocation of the site in draft planning guidance and the provision of a high quality development in a landscaped parkland setting. Reasons 3, 4 and 5 do not have substance. Taking 3 and 4, the site was allocated adjacent to the existing campus for expansion in 1967 in an adopted Local Plan. That plan is considerably out of date. No subsequent local plan has proceeded to adoption. Accordingly, such allocations cannot constitute very special circumstances. Moreover, the conservation of the Green Belt has become more imperative in the intervening years since the University was first established.
345. High quality development and landscaping on the site are attributes which would be expected as part of any responsible development, including brownfield sites. Therefore, whilst they may contribute to mitigating the visual impact of the development, HPC does not consider that, in themselves, they constitute very special circumstances. Moreover, recent developments on the present campus such as Halifax College, give no confidence in the quality of any future building or landscaping.
346. The economic benefits could be fully achieved without recourse to development within the Green Belt. Alternative sites can be found. In York itself, the University will continue to contribute economic and social benefit to the City without expansion. If expansion on a single site is deemed essential, which it is not, it could be partially mitigated by separating the non academic elements of this proposal, such as the conference centre, swimming pool,

- and locating them elsewhere. If the University insists on keeping the new elements together, the space required, 24.7 ha could potentially be accommodated on brownfield sites at York Central, British Sugar and the newly available potential Nestle/Rowntree site. In the wider region, economic and social benefits would accrue in any event if the expansion were to be at sites other than York.
347. Furthermore, there is no justification that physical expansion in itself is necessary to enhance learning and teaching, nor to meet the criteria for widening participation and fair access. It is possible to enhance excellence in research on the current campus. Expansion in these areas could be accommodated if the University exploited its own present campus by replacing inefficient CLASP buildings, building on some of its extensive car-parks and using the existing Science Park more effectively. Other mechanisms to enhance excellence are also available, such as increased investment in people, by improved staff/student ratios and improved staff/student contact hours together with the use of the internet for distance learning. None of these require significant new building.
348. The use of up to 25 ha for the location of the SCY uses on campus is entirely inappropriate in the Green Belt since it is, essentially, commercial development. It is HPC's contention that, in any case, draft condition 5 is vague and unenforceable. The terms cannot be defined sufficiently clearly to enable a legal challenge from the LPA. Further, definitions in the application such as 'high tech sector', 'innovative activities', 'focussed R&D' and others are all effectively meaningless.
349. The occupancy decisions of Science City tenants are entirely at the discretion of the University. HPC considers that they would be heavily influenced by commercial considerations rather than academic need. Ten percent of the space allocation in Science City is for support services. That is a flawed and unnecessary provision. Draft condition 5 fails the test of guidance in Circular 11/95 on conditions and on these grounds alone planning permission should be refused.
350. It should be noted that in Mr Dixon's evidence, the University of Surrey is quoted as an exemplar. In that case, however, only a small amount of land at Manor Farm was taken out of Green Belt and that land is protected from development.
351. HPC acknowledges the governmental support for University expansion in the White Paper and the HEFCE Strategic Plan. However, the figures cannot be achieved and are unrealistic. Moreover, HEFCE is not a planning body and it is not part of its remit to define the location of expansion at York. Therefore, HPC disputes not only the need for York University to expand in principle, but also submits that the current proposals fail the spatial planning policies which guide education expansion.
352. For all the reasons given above, any existing needs which the University can demonstrate, do not constitute a very special circumstance and do not outweigh all the negative impacts of the proposed development.

D. The effect of the development on the purposes of including land in the Green Belt.

353. The development will affect the purposes of the Green Belt in the following ways:

To check the unrestricted sprawl of large built-up areas

354. The development represents a very large built up area in a currently open environment. Not only would it create unrestricted urban sprawl, but it would establish a precedent for development on neighbouring land. HPC anticipate pressure immediately on the land between the Church and Badger Hill, particularly in view of the landowner's reluctance to

supply a small portion of this land for the movement spine and, potentially, on land up to the A64.

To prevent neighbouring towns from merging into one another

355.HPC accepts that the reason is not applicable in this case.

To assist in safeguarding the countryside from encroachment

356.The application proposal involves 64 ha of built development in the countryside and an extensive area of associated parkland which would radically change the rural character of this area. It is a disproportionately large-scale development in the wrong place.

To preserve the setting and special character of historic towns

357.The village of Heslington and its environs are an integral part of the setting and special character of York, a historic city of great national importance. To this, Heslington makes a significant contribution, which is acknowledged by much of it being a Conservation Area. The draft Local Plan recognises that the village retains a strong sense of its own identity. The farming land to the east and south of the village and the undeveloped surrounds of the Church are a significant element in the setting and special character of Heslington.

358.The proposed development includes many measures which would detrimentally and irrevocably change the setting and special character namely of the village including: the introduction of a 64 ha of built development in the countryside to the east of the village; the introduction of the urban movement spine, a lit, two lane road across the buffer zone; the introduction of a new road around the Church; the impact of continuous traffic circling the village cemetery; the pressure on local housing for student lets; the change in use of the land from farmland to parkland; and the loss of the remaining farm within the village.

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

359.The RSS states that development should be located so as to secure urban and rural renaissance and minimise greenfield development. These objectives would only be fulfilled if the University expansion were located in areas where brownfield land could be utilised and, where the benefits of urban regeneration are likely to be highly significant, such as South Yorkshire, Huddersfield or Bradford.

360.HPC consider that the use of Green Belt is not minimised by the proposed development itself. Many of the facilities, including the swimming pool, conference centre, performing arts centre and commercial offices would be more appropriate for and could be accommodated in the centre of York. They would then be nearer more accessible to the public and so reduce the need to travel. HPC also maintain that student accommodation blocks should be spread throughout the City on brownfield sites where they would be closer to many of the city facilities that students enjoy. Since students tend to use public transport or cycles, this would not contribute to traffic problems. A higher density development than the proposed 23% footprint would use less land. The estimates of growth in employment and also in student numbers are open to question. Moreover, there is a 7 ha contingency built into the land estimate for employment which is not the subject of any special need case.

361.For these reasons and the fact that the growth could occur elsewhere in the region, HPC argue that the proposed take up of Green Belt land take is profligate. If the development does not minimise the need for Green Belt land it is contrary to the RSS and PPG 2 and the application should be refused planning permission.

E. Need for the development in terms of national higher education policy

362. National education policy has set a target of 50% of school leavers to enter university. But this target is considered unrealistic in the Higher Education Policy Institution Report of 2005.
363. However, neither national policy nor HEFCE should dictate where precisely growth should occur. HEFCE were highly criticised by a recent House of Commons Science and Technology Committee. The Report: Strategic Science, Provision in English Universities: A Follow-up Second Report of Session 2005-06 calls for greater centralised higher education planning. There is sufficient capacity within the existing UK higher education system for all those, who are qualified to do so, to enter it.
364. HEFCE does not address the capacity in the UK as a whole and the issue is whether the demand could be met more sustainably elsewhere in the country. If expansion is necessary in the long term, and HPC is not convinced that it is, and if York University will not consider any possibility of disaggregation, there are other universities where expansion could occur without encroaching on Green Belt, use brownfield land and boost local employment levels where this is a more significant concern. Unemployment in York is far lower than the national average. If the actual nationwide number of students does not expand, expansion at York could be at the cost of other existing universities that are publicly funded.
365. The RSS, which postdates the HEFCE strategy, does not take any special account of the University's needs.
366. HPC question the demographic projections relating to future student numbers. Figures within the Higher Education Policy Institution Report 2005 and 2006 show that there will be a reduction in numbers of students over the next 20 years. There is also convincing evidence of a slow-down in numbers of applications both at York and elsewhere and of a decline in students from abroad which will impact on the forecasts. Moreover, total university entrant numbers for the current year have been widely reported as being down by 15,000 nationwide.
367. The University has said that in order to expand its intake it will offer more courses to mature and part-time students. York is a small city and therefore has no significant pool of under-educated residents, as would a large conurbation. If part-time students relocate to York existing housing and transport problems will be further inflamed.

F. Whether there are alternative options for meeting the University's needs

368. The University argues that delay would be financially detrimental. The proposals put forward are for substantial growth over a 20 year period. The University has also stated that funding opportunities are not yet established for all this additional growth. The financial impact of the delay can only apply to the opportunities that have current finance. This only applies to a small element of the plans. Full funding even for the first phase has not yet been achieved. HPC contend, therefore, that any identifiable harm occasioned by the delay is very limited.
369. The University argues that it must expand on a single campus to be successful as an academic institution. But other top Universities in the UK, including Cambridge and Oxford have disaggregated campuses. That tried and tested highly successful model is the one that York should follow. To suggest that everything has to be in a single location is entirely erroneous.

370. The University contends that there are no sites available to meet the anticipated, but currently not identified, need. The University cannot identify when or even if all the elements of the proposed expansion will be delivered. Its all-or-nothing approach is not appropriate and there is no convincing case for the large land take. HPC argue that, even if all the current opportunities are rejected, over the 20 year period further opportunities will arise to allow expansion on brownfield land. Although York central may not be available until 2011, this is only 5 years from now and the proposal has a 20 year horizon. A 40 ha acre brownfield site at British Sugar has recently emerged for potential development and 40% (27 ha) of the Nestle/Rowntree's site is to be made available for development. There is also a rumour that Fulford Police Station may become available. These sites demonstrate that opportunities will occur over the projected period for the University's expansion. The University has failed historically to grasp opportunities for development, such as the former York St John sites, because it had presumed that it will be able to expand within the Green Belt. It has never made truly robust attempts to look for, or secure, alternatives. The development of the existing Science Park on Green Belt land originally allocated for the University has been compromised and the University has lost control of its original objectives for this site, despite owning 50% share of the land. Valuable Green Belt land is now occupied by unsuitable tenants such as a travel agent and a housing association.
371. HPC believe that growth, if justifiable, could be achieved with a combination of more development on the existing campus, a much better use of the existing Science Park, disaggregation and using upcoming brownfield sites. The various elements of the proposed development, if considered on their own, would not be in any way be appropriate within the Green Belt. Many of the elements could be built in partnership with CoYC or the private sector and shared. The University maintains that elements of the development would be open to the public. If that is the case, they should be built where the population centre actually is within the built up area of York. They should also be situated where there are adequate existing public transport facilities, particularly the mainline railway.
372. The proposed swimming pool could be built where planning permission currently exists at the car park next to the Barbican. Para 20 of PPG17 states that brownfield sites should be favoured before greenfield land. The swimming pool should be located where it would promote accessibility. More intensive recreational uses should be located where they can contribute to the vitality and viability of town centres. Furthermore, the University of York does not major in sport sciences and only half the current universities in the country offer a swimming pool. It is hardly therefore a key requirement for expansion in Green Belt.
373. Business units and incubator units could be built on business sites elsewhere in the City such as the former Terry's factory, the Vanguard site, York Central, the Sugar Factory and Nestle/Rowntree. The Green Belt land take envisaged for this element of the development is 50,000 sq m over a period of 10 years.
374. Support services could be built in the new office developments around York where many sites remain unlet due to low demand. HPC strongly maintain that there is no doubt whatsoever that office uses are inappropriate within the Green Belt.
375. The proposed Performing Arts centre should be built in the centre of York, for example on the York Central site.
376. The Conference centre (7,500 sq m) could be built either on York Central, Terry's factory or land at the Nestle/Rowntree complex.

377. Halls of residence could be built throughout the city on the Oxford, Cambridge and London University models.
378. Public transport into and out of town is already excellent, with a bus every 10 minutes. If a transit system from the new site is feasible, a transit system to facilities in town is also feasible and the bus service currently exists. Policy T1 of the RSS states that development should be planned to enhance viability of existing public transport services.
379. In dismissing the alternative sites the University argue that development would not be viable because of the high cost of acquisition. However a viability appraisal has not been conducted. In fact such an appraisal cannot be conducted because funding has not yet been identified. Consequently, the University cannot assess the viability of any potential development. Furthermore, it cannot be argued that viability concerns justify the development of greenfield sites, because other brownfield sites in urban locations are more costly. Greenfield land is always going to be cheaper because there is no likelihood of alternative competing development, because of planning policy. It is not a function of the planning process to engineer the release of cheap land to an applicant.
380. HPC considers that the disaggregation arguments have not been fully examined. The proposal does not comply with the advice in PPS6 which requires developers to demonstrate that they have been flexible about matters of scale, format and disaggregation.
381. For the benefits of the proposed sports facilities to be a material consideration in the determination of the application, they have to be delivered and they have to be delivered towards the start of this development in order to offset harm. There is no robust evidence that this will happen early, if at all.
382. While HPC accept that there may be a need for certain disciplines to co-locate with incubator units, this does not mean that those groupings have to be near other groupings. Many existing science parks are not necessarily close to the Universities concerned for example:

University	Park	Distance from University Centre
Cambridge	Addenbrooke's Hospital	3.6 miles from Kings
	West Cambridge site	2 miles from Kings
	St John's Innovation Centre	2.8 miles from Kings
Durham	Netpark (incubator)	18 miles from Durham
Oxford	Begbroke	6 miles from the Bodleian Library
Montpellier	Eoromedecine Science Park Bioscience Innovation Centre Agropilis Campus and Science Park Millenaire park	Surrounding the city at about 3 miles radius

Similarly there are many examples in the United States of American where Universities and science parks are not in proximity.

G. The potential social and economic benefits of the proposed development

383. HPC argues that the potential social and economic benefits can be realised without encroaching into the Green Belt. Several options exist as previously explained elsewhere on sites within York and within the region.

H. The effect on the landscape of the area and the setting of York and Heslington Conservation Area and Heslington Church

384. The village is surrounded on three sides by parkland and agricultural land. This characteristic gives the village its strong rural feel. The village is clearly defined and does not drift into the surrounding countryside. The 1999 Conservation Area Review notes that 'to the southeast the village faces open countryside as ever, with all the charms of its informal rural edge'. It is this compactness which is part of its appeal and charm. The importance of Heslington as a conservation area was reinforced when the conservation area was extended in 2004.

385. A Heslington Village Design Statement (VDS) has been prepared. It has been the subject of full public consultation and has been formally adopted by CoYC. Accordingly, significant weight should attach to it. The VDS states that any University development should seek to minimise: any impact on the village built form, its setting or its infrastructure; vehicular and pedestrian traffic generated by the University through the village; and any impact on views into and out of the village.

386. There are two critical impacts on the village of Heslington which are of particular concern to HPC. The first is the impact of the massed buildings of the University development on the open view from the village and the rural setting of the village itself. The original buffer zone that was proposed has been breached, but, in any case, buildings of the heights, scale, quantity and mass expected in the development would still have a significant harmful effect. If the University's current insensitivity to the local landscape continues, this impact will actually be much worse than the University claim in their proposals.

387. The loss of agricultural land will have major impact on the setting of the village and its rural feel. PPG2 states that, once a Green Belt has been established the use of land within it has a positive role to play in retaining land in agricultural, forestry and related uses. Open access parkland with a 64 ha intensely built area in the middle of it would be no substitute for the current rural setting that the existing agricultural land provides for the village and the City. The sense of the village being a part of the working countryside would be destroyed forever. York already has several parks as well as the present campus. Moreover the opportunity for Mr Hawkswell to open this land for public access has been denied to him because of the limitations imposed by the proposal.

388. The University's current performance is poor with the landscaping at the edges of more recent developments, particularly at Halifax College and along the boundaries of Walmgate Stray. No detailed mitigation planting plan has been produced for the proposed development. If the development were to be approved, mitigation planting would be a matter between CoYC and the University with no opportunity for third party input.

389. The University cannot demonstrate a good or even acceptable track record of delivering high quality development in the area. The original vision of the present campus was lost many years ago. The present campus is an ugly patchwork of conflicting styles and materials.

390. The second critical impact is that of the movement spine. This will be a 2-lane road to carry the University Transit System in both directions, plus paths for pedestrians and cyclists. It will also be lit to Highway standards (to BS 5489 Part 9 Lighting for Urban Centres and

- Public Amenity). It is claimed that it would be lit to lower standards across the buffer zone as it is not a fully designated highway, but this is not stated within the application.
391. The route as proposed runs close to the Church and through Dean's Acre, which is in the Conservation Area, and breaches the Buffer Zone as designated in the Development Brief. The value of Dean's Acre was first expressed by Dean Milner White who donated the land and is reflected in its covenant. It is a very significant open space which protects the Church and is highly valued by local people in consultation at Parish Meetings.
392. The proposed route would result in a brightly-lit and substantial road running directly behind and adjacent to the village. The light pollution and incursion onto the open space of the buffer zone would permanently damage the setting of the village and Conservation Area. The proposed re-routing of Field Lane across Dean's Acre will include traffic going to the existing commercial area of York Science Park and into York itself. This would add noise, fumes and visual pollution to the area east of the Church and spoil the peace and tranquillity for worshippers and those who visit the cemetery.
393. The proposed positioning of this route is highly intrusive on the conservation area and views from and into the conservation area. HPC maintains that there are three ways in which the impact of the movement spine could be minimised. Its first impact is by the Church and Dean's Acre, where it takes land from this area and crosses to the front of the Church. HPC suggest an alternative route to avoid any intrusion onto Dean's Acre. The route is technically feasible and could be made attractive to drivers and pedestrians with suitable detailed design. When crossing the buffer zone, the present movement spine takes a route along the highest land opposite the School where the land contours would emphasise its position. By turning the movement spine more quickly from the junction with Field Lane to the east towards the new campus, this effect could be mitigated. It is argued by CoYC that such a solution is not to the required highway standards. However, if the same profile for the movement spine proposed by the University across Dean's Acre is used, it is entirely possible. Moreover, it is not a full highway as it is designed to carry only the University transit system and therefore does not need to be designed to the same standards as an adopted highway. Finally, the effect could be further minimised by cutting the corner off the adjacent field. This has the added benefit of being much closer to the desired line between the two campuses. A further alternative would be to investigate a possible route using Windmill Lane as suggested by the York Conservation Area Advisory Panel.
394. HPC contend that, as alternatives exist, the impact on the conservation area has not been minimised in accordance with the advice in PPG15 para 5.2.
395. The argument that the improvements to Heslington Hall outweigh the damage to the Church is erroneous. Notwithstanding that PPG15 para 3.14 states that the listing grade is a material consideration, it is not, in itself, a reliable guide to the sensitivity of a building to alteration or extension. It is proposed that the Church surrounds should be degraded from their existing rural character to semi-urban urban character. The Church would be surrounded by roads with continuous two-way traffic. The proposed trade-off, namely reducing the dual-carriageway to a single one outside Heslington Hall is unconvincing. It would result in some reduction in vehicular traffic, but increase pedestrian and cycling traffic. Furthermore, in order to accommodate the new road layout the central reservation would have to be considerably shortened, involving the loss of 3 particularly important ancient lime-trees. In essence, the University seeks to upgrade the setting of its own property at the direct expense of the Church which is a cherished community asset.

I. The loss of agricultural land

396. PPS7 requires that the presence of best and most versatile agricultural land should be taken into account alongside other sustainability considerations. The majority of the application site comprises grades 2 and 3a land. Furthermore, the land take from Mr Hawkswell makes the existing farm unviable. Unless he is offered an equivalent farm or he is offered substantial recompense he will suffer disproportionate harm. The VDS notes that 'The presence of a working farm, Lime Tree Farm ... is considered by residents to be very important'.
397. RSS is explicit in seeking to minimise greenfield land take. As the agricultural land is greenfield, only the minimum amount should be taken for development.
398. Structure Plan Policy A1 seeks to protect agricultural land. It requires a test of alternatives be undertaken. The University was not able to state that such an exercise has been undertaken. Accordingly, it is reasonable to submit that the application fails to comply with policy A1.
399. Policy A2(i) requires that there should be no greater loss of agricultural land than is necessary. If the land take for the proposed development it is considered to be unnecessary, even in part, then it is contrary to this policy. As previously explained, HPC considers that various elements, even putting the applicant's case at its highest, are unnecessary.
400. Policy A2(iii) indicates that the LPA should seek to retain agricultural land in production for as long as possible, through the phasing of proposals. If this is not achieved in practice, it is contrary to the Structure Plan policy.
401. Policy A3 seeks to safeguard grade 1, 2 and 3a land as far as possible. It can be read as a requirement to minimise land take.
402. If the effect of the development is to render a unit unviable, then it is contrary to Policy A2(ii). The alternatives proposed to Mr Hawkswell are unsatisfactory in that the existing farm is held under a 1986 Agricultural Act Tenancy, with succession rights for 3 generations. A 4.5 year full business tenancy has been offered at an alternative holding, with very little security of tenure and thus no security for investment. It also impacts on the ability of the farmer to secure grants because a minimum 5 year tenure is required. On the alternative that he has been offered, Thixendale Grange Farm, Mr Hawkswell has lost money. It is 17 miles from Heslington village, so his running costs are higher. The land is grade 3b so it is lower quality with lower yields than his existing farm. Different machinery is required. No grain drying and limited storage facilities are available and so this affects the time when yield can be taken to market. The above factors all adversely affect the viability of the farm holding.
403. Consequently, the likely effect of the development is not just that the land would be lost to agriculture but also that its last working farm will be lost to the village and a family that has lived in Heslington for three generations since 1957 would be forced to relocate. Therefore, the relevant Structure Plan and RSS policies are breached.

J. The effect on the residents of Heslington Village

404. PPG3 at paragraphs 9 – 11 emphasises the need for mixed and inclusive communities. Similarly, PPS1 commits the Government to developing strong, vibrant and sustainable communities and to promoting community cohesion in both urban and rural areas.

405. The number of local residents within Heslington has not changed significantly over the years, with a population of 506 in 1901, rising to 757 local residents in 422 households by 2002. There are now 10,000 students. Permanent residents, therefore, constitute 7% of all residents. When the student numbers rise to 15,400 FTE, which equates to some 17,380 full and part time students, this will fall to 5%. They would be largely in the age range 18 to 22. Accordingly, the development does not contribute in any way to the achievement of a mixed and balanced community. Already over 25% of Heslington has student housing and Badger Hill is becoming affected by its growth and nearly 50 houses there are now student properties.
406. HPC considers that the quality of life and sense of community would be severely compromised by the University's proposals. The effects of studentification are well recorded, both in Heslington and in the country in general. Residential amenity within Heslington is already compromised with problems of noise, anti-social behaviour, car parking, traffic and impacts on the local housing market. An increase of 5,400 FTE students and 1,500 staff and some 3,000 SCY workers would make an unacceptable situation unbearable.
407. While HPC welcome the introduction of the SSHH campaign, it was a local initiative and not one introduced by the University. The local community feels that neither the University nor CoYC are adequately addressing Heslington's particular problems. CoYC will not introduce a cap on Houses of Multiple Occupation, a problem which is the direct result of the University and its activity. It is vital, therefore, that any mitigation measures are properly secured and not just unenforceable promises. The current interventions on noise in the village rely on initiatives of the Student's Union, over which the University has limited control. The University make no offers to use their own resources such as security and porters to help to ensure that the impact of these student numbers on the local community is mitigated.
408. It is to be noted that the University has already fallen behind in its objectives to provide adequate student housing on the present campus. This situation will only deteriorate unless the University actively manages the accommodation problem. The University has stated its intention to provide for growth in student accommodation on Heslington East. This is dependent on accurate calculations of need, which are in real doubt as indicated by Mr McMeeking in his evidence. He considers that the University's student accommodation need has been underestimated by 1,200, a figure which the University are unable to refute. This has a major impact on the use of land for this development. Mr McMeeking maintains, and HPC agrees, that two more colleges would be required on 16.5 ha of land, a significant proportion of the 64 ha development site. This would severely distort the allocation proposals for other activities and create pressure for further development within the Green Belt.
409. It is vital, therefore, that the actual student numbers anticipated by the application are fully recognised and agreed by all parties and that the S106 Agreement and planning conditions imposed are sufficient to ensure that all students are accommodated and that they cannot be overturned at a later date. HPC are concerned at the potential get out phrase in the agreement which requires accommodation to be provided 'in so far as it is economically prudent to do so'. The surrounding areas must be protected from being forced to house large numbers of students in the local community.
410. The University must ensure that students are attracted to the accommodation it provides, particularly in the second and third year, by adapting to student needs, their financial capacities and expectations. This is area where the University has not been successful in the

past. It has under-provided accommodation for its students and thereby imposed the problem on the local community.

411. The issue of student and staff accommodation should be considered across the whole campus. For example, the removal of accommodation on the current campus, as is currently in progress, will seriously affect the calculations. For all these reasons, proper construction of the draft 106 Agreement is vital.
412. While much has been made about the contribution that students make to the community in York, these benefits are already being delivered; it does not require expansion of the University to deliver them.
413. Finally on this issue, there are a substantial number of local farmers within the Parish who use Main Street as their only access to their farms. It is crucial that this access is protected to ensure that their businesses continue. They have expressed considerable concern about the change of the layout at the junction of Main Street, University Road and Field Lane. It would become very difficult, if not impossible, for agricultural machinery and associated HGVs to negotiate this turning when the current roundabout junction is removed. Where at present they can go straight ahead and round the roundabout to negotiate the turn safely, their large vehicles would be forced to cut the corner at an awkward and busy junction, a potentially very hazardous situation.

The effect on the amenities of the residents of Badger Hill

414. Apart from generalised studentification effects, the main impacts on the amenity for residents of Badger Hill are the potential parking issues, which are addressed elsewhere, and the location of the new entrance in Field Lane.
415. This entrance will have a significant impact on the amenity of residents on Field Lane particularly during the development of the entrance itself and the construction of the site. Furthermore, the University is seeking to increase the car parking within the central area of the proposed campus to 500 spaces. HPC supports CoYC which wishes to restrict the number of spaces to 150.
416. The problems created by the Field Lane access would be entirely eliminated if the proposed entrance off the Hull Road were to be the first and only vehicular access to the site, other than the western access which would be used solely by the University Transit System. To avoid conflict with the Park and Ride traffic and pedestrians, a separate entrance could be constructed, probably at a lower overall cost and with major benefits to the community.

K. The capacity of the local highway network and highway safety

417. CoYC supports the application on the basis that the conclusions reached by the University in terms of the transport implications of the development would, if achieved in practice, be acceptable. Accordingly, it has constructed a set of conditions which effectively place the onus upon the applicant to deliver the outcome demonstrated in the transport impact assessment. The Council has also stated that this is the first occasion that planning permission would be granted on an after-the-event basis. The normal approach would undoubtedly result in the refusal of planning permission. HPC has no confidence in the approach adopted by the University and CoYC.
418. It is agreed by all parties that, if the Green Travel Plan (GTP) does not deliver the applicants projected targets, then actual vehicle levels would seriously prejudice the interests of highway users. The projected traffic reductions might occur in a small area

around Heslington Hall. However, the access and egress from Heslington Village will be subject to a deterioration of conditions throughout the day and particularly at peak times.

419. HPC does not accept that the perceived benefits of the GTP could be achieved in practice. The claimed achievements of the University in controlling both traffic and on street parking are illusory and the assurances and estimates given by the applicant should not be relied on. Furthermore, HPC does not believe the proposed conditions would secure the outcome required by the LPA and that they fail the tests set out in Circular 11/95. Accordingly, it is submitted that the highway implications of the development are not acceptable.
420. Current traffic data does not fully reflect the impact on the community. As some of the junctions are saturated already, there can, in theory be no increase in traffic flow. All that would happen is that queues would build up. The measure of queue length should be included in the assessment of traffic conditions.
421. It is apparent from Mr McMeeking's evidence that a high number (up to 4,000) part time students are predicted. These will not be provided with accommodation. It follows, therefore that they will travel into the University to study. They are more likely to be mature and therefore more of them will come by car. These numbers have not been factored into the traffic predictions. Furthermore there is no control over the ratio of full time to part time students. In practice, therefore, there will be a higher than predicted traffic flows. HPC has calculated that there would be 3,000,000 extra Heslington-York / York-Heslington journeys per annum as a direct result of the proposals.
422. HPC argue that this, together with other concerns about the robustness of the assessments, make it even more imperative that development permission is based on actual achievement of the predicted traffic conditions with halts automatically triggered on further development if they are not.
423. The current arrangements ask the University to prepare plans to improve the traffic. They do not guarantee that such plans would produce the desired effect, namely the achievement of the predicted reduced traffic flows. More robust measures should be adopted, allowing development only if the predicted traffic conditions are met. Such conditions have been used in the examples of Edinburgh University and Surrey University, put before the inquiry.
424. There is a danger that wording of the conditions could allow development without proper review of traffic, for example if there were to be many small developments, a few very large developments or overlapping developments. Development should be phased to ensure that traffic conditions are fully achieved before the next phase is granted.
425. One of the key measures in obtaining the travel improvements is control of parking. While the plans to restrict parking on campus are laudable, they would put increasing pressure on off-campus local parking. There must be sufficiently detailed and robust plans in place to prevent this happening or the effectiveness of parking controls would be lost. CoYC is not able to effectively control illegal parking in Heslington at the moment. The University must agree to robustly discourage students from bringing cars to York and encourage staff not to park off campus.
426. As from previous experience there are difficulties in the accurate identification of University related parking, there should be a presumption that all increases in parking are University related. The option for parking restrictions in local roads should be offered before the development starts to prevent overspill parking. Such measures should be at no cost to local residents.

427. It should be noted that the parking and local transport regime covers the whole University and therefore the local parking arrangement must extend to both campuses, and any base surveys must cover the surrounds of both campuses and be undertaken out of term time.

Conditions and Section 106 Agreement

428. Condition 5 is too loosely drafted to effectively restrict the range of permissible uses at the proposed campus.

429. The baseline survey for University Road/Main Street required under condition 6 should be undertaken immediately after the link road has been made operational so that the impact of the growth of the University traffic on the improved junction can be monitored properly.

430. Condition 7 should be reworded so as to control the cumulative impact of developments of less than 500 sqm of floorspace in order to ensure that multiple small developments are not brought forward. In addition no application for approval of reserved matters should exceed 26,000 square metres (one tenth of the total), in order to ensure that that very large developments or developments which overlap are not submitted to overcome the phasing concept.

431. Regarding condition 12, parking assessments should be made on a street by street basis and not on the basis of the 13 areas identified on Plan 3. In addition, it should be for the University to show that any increase in parking is not due to University activities and that details of the assessment scheme should be acceptable to local residents. As worded the condition places the burden of proof on residents who have neither the resources nor access to appropriate information.

432. Regarding condition 26, HPC supports the 55 db (1 hour) limit in the gardens of dwellings adjoining the site as originally put forward by CoYC

433. The phrase 'unless otherwise agreed with the Local Planning Authority' should be removed from condition 31 as it renders the condition ineffective.

434. Condition 42 should refer to a maximum provision of 150 car parking spaces. The phrase 'unless otherwise agreed with the LPA' should be deleted.

435. Regarding the Section 106 Agreement, HPC supports Mr McMeeking's proposed changes. In section 1.1 the phrase 'in so far as it is economically prudent to do so' should be deleted, as it permits the University to remove from housing stock any buildings which are old or not worth refurbishing and replacing them with buildings for other uses.

436. At 1.6 the phrase 'in so far as it is economically prudent to do so' should be removed. If the phrase is retained it would be easy to argue that, for example, building a 300 beds hall of residence for a 50 bed demand would not be economically prudent. Consequently the required demand would not be met.

437. The undertaking should refer to HGV and other construction traffic, in order to include construction traffic which is not classified as HGVs for example JCBs.

438. Areas liable to be used for overflow parking should be subject to remedial measures prior to the development of the site, to ensure that the goals of the sustainable travel plan are met from the start.

439. It should be stated in 3.1.3 that 'the scheme of parking and waiting restrictions will be free to local residents'. Residents should not suffer a financial burden as a consequence of the

University developments. The word 'indefinitely' should be substituted for '15 years'. Local residents should not suffer any financial burden at any time.

Conclusions on the main issues

440. In conclusion, in its proposals the University maintains an 'all or nothing' approach to the development. If the need to expand is actually proven then by suitable compromise valuable Green Belt Land can be protected and the very real fears of the local community could be ameliorated.
441. The application, as it now stands, seems to allow the University to have unfettered discretion to develop how, when, what, and where it wishes into the future and for how many students it might like, depending on the availability of funding. This, as a matter of principle is not an acceptable method of developing Green Belt sites. HPC are not convinced that all the development is required at the proposed location at the present time. The scheme should be redrawn with lesser development on a smaller site and/or spread through the City. Any benefits of the scheme would then be more in balance with the very harmful impacts on the local community. As proposed the development threatens the integrity of the Green Belt around York and threatens the setting of the historic city. For all these reasons HPC consider that the proposals should be rejected.

The case for the Campaign to Protect Rural England

The material points are:

442. CPRE do not object to the expansion of the University of York in principle. Nor does the CPRE wish to challenge the proposals to increase the number of academic studies offered by the University. What the CPRE oppose is the proposal to build a new campus on 116 ha of high quality agricultural land set within the Green Belt. The proposed expansion is opposed for a number of reasons which are set out below.
443. CoYC's decision to be minded to grant outline planning permission ignores Government planning guidance that there should be a general presumption against development on Green Belt land unless very special circumstances can be demonstrated. CPRE does not believe that they have.
444. The prime reason advanced by the applicant as very special circumstances is the alleged absence of a suitable alternative site. The University seeks to take out of the Green Belt 116 ha of mainly Grade 2 and 3a agricultural land and develop 67 ha of this (58%). All development within this area will be restricted to 23% footprint. The applicant also proposes to reserve 16 ha of the 67 ha for SCY purposes. In any other circumstance the Science City York provision should be on brownfield land, of which York has a plentiful supply including major sites at Nestle/Rowntree, Terry's, York Central and the Sugar Beet Factory. In cross examination the University witness charged with seeking alternative brownfield sites confirmed that his remit was restricted to the urban area of York. It did not consider other land wholly within the Unitary Authority nor land within reach but outside the York city boundary.
445. In addition the University propose to build a county standard swimming pool, new concert hall and major conference hall on the new campus. In CPRE's view, the University is there for higher education purposes. Provision of a swimming pool, concert hall and conference centre should be within the urban area of the City.
446. CPRE calculates that the footprint for academic purposes on Heslington East would be no more than 11.5 ha or just 9.9% of the proposed area taken out of the City of York's Green

Belt. The proposal is considered to be a gross misuse of the nation's Green Belt and agricultural asset.

447. The assertion that all SCY developments must be located on campus is not substantiated by experience at other universities in the UK. A number of premier Universities in the UK have established their science parks several miles from the main university campus. These include Newcastle, Edinburgh, Oxford and Cambridge. There is even a proposal by Imperial College to establish a £100 million Science Park near Ashford in Kent.
448. Some of the businesses on the existing University Science Park are totally unrelated to the University and appear not to meet the rules governing occupancy of the park. If this is the case, then assurances given by the University in respect of occupancy of the proposed Science Park are devalued. At the recent Examination in Public of the Regional Spatial Strategy for Yorkshire and the Humber and by evidence given by Yorkshire Forward to the Inquiry, SCY is aimed at bringing science based development and industry to the York Unitary Authority. It is clear therefore that there is no absolute requirement that it be based exclusively on the University campus.
449. Under cross-examination, the Vice Chancellor insisted that the total package, as described in the outline planning application, was essential for the viability of the University. It would appear that the inclusion of science industry, a local authority swimming pool and concert hall are all part of a financial package to justify the outlay for a new campus.
450. In 1990 outline planning permission was granted for a Science Park on 8.5 ha of land within the Heslington West campus. The planning document confirmed that the University retain the freehold of the site. Therefore in 1990 the University was prepared to compromise their landscaped open campus. The land concerned was without question higher educational land.
451. There has been no serious study of the scope for meeting the future academic demand by redevelopment of the existing Heslington West campus. No factual evidence is presented by the applicant to confirm that disaggregation has been seriously studied. CPRE are aware that there are on-going works to older CLASP buildings requiring them to be vacated. To allow this refurbishment work some disaggregation is being practiced.
452. In evidence presented by the University there is acknowledgement that redevelopment of certain buildings is possible. However, such limited reference with little detail again confirms that no serious study of meeting academic demand on Heslington West campus was undertaken. It is argued by the University that decanting is a significant problem. CPRE reject this as a valid and sustainable argument.
453. CPRE believes that the CoYC was instrumental in seeking planning permission for the concert hall and county standard swimming pool. Given that the Council recently closed the Barbican theatre and swimming pool, the provision of these significant replacement public facilities should be the subject of a separate inquiry.
454. The suggested redevelopment of existing principle car parks and single storey mainly CLASP buildings that cover a footprint of 6 ha has been rejected by the University for superficial and subjective reasons. CPRE has evidence which in its view confirms the antiquity of the prefabricated CLASP buildings on Heslington West campus. Contrary to oral evidence presented by the University to the CoYC's Planning Committee, CLASP buildings erected in the period 1963 – 77 do not have the 60 year life expectancy claimed. Indeed, in this period development of Mark II through Mark V CLASP buildings were evolving as a result of significant defects found with the structures. In response to cross examination, the University presented two sets of supplementary evidence prepared by

Independent Consultants both of whom reported on the structural condition of CLASP buildings on site. Firstly logs of a series of cores taken from the precast concrete panels gave the depth of carbonation reached from the outer surface. This type of examination has limited value for it is unable to predict the rate of entry of carbonation, a feature that indicates possible corrosion of reinforcing steel in the panel. A more advanced method, the taking of incremental cores, would have confirmed the rate of carbonation and allowed a realistic forecast of the risk posed by corrosion. The second report, entered as a Structural Survey, ruled itself out as viable evidence by declaring on a leading page that the report should not be used for structural purposes. Neither reports makes any mention of fixing clips used to secure the precast concrete panels in place. There is history of concrete panel fixing clips failing in the UK and omission of any checks on these critical fixings is worrying.

455. CPRE contends that redevelopment on the style and scale that it proposes would be in accord with the Strategic Review of Landscape carried out in 1992, a document which was not included in the core submission papers.
456. Evidence was presented that the proposed lake on Heslington East would require topping up during high summer and times of drought. It is suggested that water could be taken from a private borehole sunk into the underlying Sherwood Sandstone aquifer. Evidence has been presented regarding the Environment Agency's concern at depletion of the aquifer and the applicant would be irresponsible to disregard this situation.
457. In summary, the CPRE recognises the socio-economic benefits the University brings to York. Since 1962 land has been allocated for university expansion in various Local Plans. However, only the 1967 allocation by the then East Riding Authority has been adopted and none has been put to Public Examination. In 1995 Government planning guidance ruled that higher education establishments were no longer appropriate developments in the Green Belt. CPRE submit that the present campus of 68 ha has significant underused capacity that could meet the forecast academic requirements. The full development potential of the present campus is limited by the 1999 development brief constraint that building footprint shall not exceed 20% of the total site area, excluding sports fields. CPRE considers that the redevelopment of the time expired older buildings and, if required, a possible marginal increase in density of the present site would not destroy the open campus collegiate ethos of the University's founding fathers.
458. The CPRE is not opposed in principle to the expansion of the University, but objects to the proposed development on the grounds that it is contrary to Government planning guidance relating to development in the Green Belt. The decision on the application should be in accordance with the planning policies and guidance in force at the present time, namely the NYCSP and relevant PPGs and PPSs. The principal purpose of the York Green Belt is to safeguard the character and setting of the historic city. The main thrust of the CPRE's objection is that approval of the application would remove 116ha of high quality farmland from the Green Belt and perpetuate inefficient use of land by the University.
459. The applicant accepts that the proposal is inappropriate development within the Green Belt. Structure Plan Policy I15 does not identify the University as a 'major exception' within the Green Belt and the Plan makes no mention of the University. The main justification put forward in support of the proposal is that the absence of suitable alternative sites constitute very special circumstances. However, there is no evidence to confirm that an objective evaluation has been made of alternative solutions to meeting the University's needs that do not involve the use of Green Belt Land. Such solutions could include an increase in the density of development at the existing campus, the development of brownfield sites within a

reasonably travelling time of the University, a reorganisation and redevelopment of facilities on the present campus or a combination of the alternatives. In the absence of a thorough investigation of alternative proposals, the University has failed to demonstrate the very special circumstances required to clearly outweigh the harm that would be caused by the proposal to the purposes of including land within the Green Belt, the landscape of the area and the setting of Heslington Village and the City of York.

460. In the CPRE's view, there is unused land within the existing campus that could be developed. In addition, the existing single-storey 'CLASP' buildings could be redeveloped and buildings erected above car parks. Such an approach would meet the University's academic needs without the developed footprint exceeding 20% of the campus area. Over 50% of existing floorspace is within single-storey buildings which are nearing the end of their useful life and which will require demolition and redevelopment within a few years. Furthermore, the 23% limit to development footprint set out in the development brief for the future expansion of the University is at variance with current Government guidance on the efficient use of land as set out in PPS1 and PPG3 and is unduly restrictive.
461. The options of redeveloping single-storey buildings and developing over car parks were rejected because of perceived problems relating to temporary displacement. However, the Science Park and University sports fields are an integral part of the existing campus and should be included when assessing the 20% restriction on building footprint. If those areas are taken into account the total campus area is 93.5 ha and a further 5.3 ha of land could become available for development under the terms of the development brief to allow for the decanting of existing uses and redevelopment of buildings and car parks to occur. There are numerous examples of activities continuing on large sites undergoing redevelopment. For example Middlesex University has opted to improve its campus by demolishing a number of buildings and erecting new, fit-for-purpose buildings within the same overall footprint.
462. The CPRE does not accept the University's assertion that the CLASP buildings on site have a 60 year life. Over 50% of the University's floor area was constructed in the CLASP system between 1963 and 1972 and were not subject to the Building System Agreement Certificate No 86/S013 which contains a reference to a 60 year design life. After some 40 years there must be a degree of carbonation of the concrete in the concrete cladding panels of the buildings. The buildings are now in need of refurbishment and modernisation and there is ample evidence to suggest that they are nearing the end of their design life.
463. Annex C4 of PPG2 recognises that the complete or partial redevelopment of major developed sites may offer the opportunity for environmental improvement without adding to their impact on the openness of the Green Belt. The present University campus is also within the Green Belt and its redevelopment would have no greater impact, would contribute to the objectives for the use land in Green Belts, would not exceed the height of existing buildings or occupy a larger area of the site. The University accepts that the redevelopment of existing footprint gives some scope to increase building heights and floorspace. Draft Local Plan Policy ED6 also recognises the potential to redevelop existing single-storey buildings. If single-storey buildings were to be redeveloped to 4 storeys, this would produce a net floor-space gain of 3.99 ha. The applicant also recognises that footprint could be released without loss of car parking within the campus. Car park redevelopment with ground floor parking and three upper floors could produce a net floor-space gain of some 11.7 ha. Therefore, overall, redevelopment has the potential of producing a total of 15.69 ha with no increase in footprint.
464. The total demand for teaching, commercial, leisure, residential, and administrative floor-space and car parking is 24.64 ha. Of that total, some 5 ha is proposed for associated

employment development and 0.75 ha for a conference centre. Such uses could be located elsewhere within the City, for example on the former Terry's Factory site or at York Central, or on existing developed sites in the surrounding countryside, for example Elvington Airfield or the former Selby mine sites at Stillingfleet and Ricall. If these elements of the proposed development were relocated, the remaining 18,89 ha of development would be accommodated on the existing University

465. The CPRE recognises the contribution that SCY makes to the local economy, but is not convinced that the existing science park occupants necessarily have the close links with the University that are claimed. Furthermore, the assertion by the University that SCY developments must be located on the campus is not supported by experience at other Universities. For example the Cambridge Science Park is located some 5 miles outside the City well away from the colleges. Furthermore, the new University campus to the west of the City is to be roughly divided between academic departments and research institutes/commercial research. At York some 38% of the development is proposed for research institutions.
466. The contention that academic and commercial institutions need to be co-located on the proposed campus is not accepted by the CPRE. Methods of communication have changed dramatically in recent years and brownfield sites elsewhere within the City could accommodate the proposed emerging knowledge based clusters.
467. PPS7 states that the presence of best and most versatile agricultural land should be taken into account alongside sustainability considerations, including the quality and character of the landscape, amenity and soil quality. The application site consists of grade 2 and grade 3a agricultural land. It creates an open landscape with mature trees and hedgerows on rising land and effectively frames the view of York from the A64 and creates an attractive rural setting for the village of Heslington.
468. The CPRE objects to the proposal that the period for submission of reserved matters should run for a period of 20 years from the date of grant of outline planning permission. Such a permission would not allow for the proper scrutiny of reserved matters by the public in future years.
469. The proposal is premature. The development is significant and substantial and the General Principles of PPS1 apply. The application pre-dates the Council's decision to adopt the City of York Local Plan for development control purposes and the provisions of that plan do not therefore apply to the proposal. The LDF process is at an early stage and no DPDs have been adopted. Local surveys undertaken by the CPRE and others have confirmed the strength of opposition to the University's proposals, which should not be granted planning permission.

The case for York Natural Environment Trust Limited

The material points are:

470. York Natural Environment Trust (YNET) is an independent registered charity which was originally set up in 1988, with support from the City Council, in response to local concerns regarding the loss of green spaces, hedgerows and trees within the City as a consequence of development.
471. YNET primarily oppose the proposal and other applications around the City because, in the absence of an up-to-date unified development plan, the City's environment is being eroded away. There is no Biodiversity Action Plan, nor is there any approved plan which suggests

how the City's ecology may be maintained in the face of development pressures and the destruction of green corridors. Nor are there any proposals to link and extend green corridors to compensate for development.

472. The development proposed by the University is an unwarranted incursion into the Green Belt. In terms of PPS1, the application is premature as there is no adopted Local Plan, LDF or supplementary planning documents in force to protect the natural and built environment of the City. Since the formation of the City Council in 1996, development has occurred in a piecemeal fashion and the proposed development is a further example of how a proposal that will affect the whole of the City is being considered in isolation in the absence of a unified development plan.

473. The proposal is contrary to the advice in PPS7 in that would extend development into the countryside on the fringe of the City and erode the extent of the Green Belt. The proposal will exacerbate existing problems within the City relating to transport congestion and the affordability of housing. The 2001 census indicates that the City then had a population of some 181,094, of which 9519 were economically inactive students and 5288 were economically active students. If the University were to expand at the proposed rate, together with the expected growth in the other higher educational institutions, the City would be awash with students and academics. They would all require housing, leisure and other facilities and there is no plan in place to indicate what green spaces would be provided to compensate for the additional development.

474. In terms of PPG3, the existing campus is underused because of the many low level buildings of old and inefficient design. The University should be making better use of the existing space by redeveloping within the current footprint rather than expanding into the Green Belt. Student housing should be achieving much higher densities than family housing and associated services should be provided on site.

475. Regarding the advice in PPG13, the existing student population has a high rate of car ownership and an increase in student numbers will further increase the number of cars within the City.

476. The York Central site will become available during the time period for the proposed expansion of the University and could be developed in part for educational purposes.

477. The village of Heslington is an identifiable and historic unit outside the City of York. Expanding around it towards the ring-road and towards other parts of the City will compromise its separate identity, village character and local biodiversity.

Representations from non-statutory third parties opposed to the proposed development

The material points are:

York Green Party

Prematurity

478. The proposal is premature with respect both to the Local Plan and the LDF. Many objections were made to the removal of the University site from the Green Belt in the Local Plan which were not adequately dealt with as part of the Local Plan process.

Deliverability

479. The Green Party is not convinced that the University has the funds to complete the proposed works to a sufficiently high standard, especially given the propensity of projects of the type proposed to overrun both in cost and delivery dates.

Green Belt

480. The distinction between universities and commercial organisations has blurred considerably since the time of the original proposed expansion onto the Heslington East site. The 1995 edition of PPG2 recognised that change in that university development was no longer regarded as an appropriate form of development within Green Belts. The change is also evident within the Science Park, which is now effectively a light industrial estate, with most tenants having little to do with the University. There therefore remain no special circumstances to outweigh the inappropriateness of the proposed development or to outweigh the other harm which would be caused by the proposal.

481. The development would result in precisely the kind of urban sprawl which the Green Belt was intended to prevent. It would also have the effect of creating pressure to build other infill developments on other parts of the Green Belt.

The need for the development

482. In view of Central Government's higher education policy, it is logical that that the University should wish to expand. However, the Green Party takes issue both with the location of the proposed campus and the nature of the development. A conference centre would not contribute to educational needs and would be better housed in a location such as the former Terry's factory site. The proposed science park, which would take up some 30% of the developed area of the campus is likely to house enterprises with no University connections, just like the science park.

483. The development as planned includes inadequate entertainment facilities for students, and housing of a type suitable for conference delegates but not for students, who generally prefer to live in houses rather than in single rooms.

484. The site is not in an ideal location for mature students, who constitute an increasing proportion of the student body. Such students may have commitments elsewhere and are likely to travel to the University from their own homes on a daily or weekly basis. The site is not suited to their needs as it is not near any significant transport interchange.

Alternatives

485. There are alternative options for meeting the University's needs. The York Central site, which was not available in 1963 when the University campus site was first proposed, is more suited for the proposed development. The site is within walking distance of the railway station and therefore an excellent location for mature students commuting to the University.

486. Many of the buildings on the current campus are single or 2-storey, or temporary structures. Capacity could be increased on those sites. Three or four storey buildings would not detract from the park-like character of the existing campus. No environmental assessment has been carried out of the existing campus to assess its capacity for accommodating additional development. A phased replacement of some of the existing buildings and an increase in the allowed building footprint from 20% to 25% would provide the necessary existing capacity for University expansion.

487. Improvements in Information Technology since the University was first proposed in 1963 enable national higher education policy to be delivered by distance learning.

488. Finally, the objection of higher education policy of obtaining wider participation in University education could be delivered through the expansion of other University's in the region, for example Bradford and Hull.

Social and economic considerations

489. The proposal will put further pressure on the local housing market and increase already high house prices. An estimated 6,000 students and 2,500 staff will be looking for accommodation in a city where there are currently some 7,000 people on the housing waiting list. House prices are currently detracting from the University's ability to recruit new staff. York students are unlikely to become York's young professionals because they will be unable to live in the City.

Landscape considerations and the setting of York and Heslington Conservation Area

490. It would not be possible to transform the area between Main Street, the village green and Heslington Hall into a pleasant link between the two campus sites as the public highways must be retained and traffic within the area will increase. There is no commitment to making the proposed transit system between the campuses free of charge and at least one University department is considering splitting between the two sites.

491. The site is high quality agricultural land. Given the increasing populations elsewhere within the world and the loss of agricultural land, prime agricultural land should be preserved.

Residential amenity

492. The proposed 50% increase in student numbers will create an imbalance in the local population.

Highway capacity and safety

493. Many of the students and none of the staff would not live on the proposed campus. They would therefore have to travel to the University. The Green Party is sceptical about the University's commitment to providing the necessary public transport links in future years. Furthermore, the provision of public transport services is no longer within the control of the City Council and the Authority cannot ensure that services of high standard are maintained. The majority of staff and many students would therefore travel along roads that are already at capacity. The suggestion that traffic generation can be restricted by condition and preventing further stages of development if necessary is not credible. CoYC does not have enough parking wardens to deal with current parking problems. In addition, the introduction of on-street parking measures would inevitably cause inconvenience for residents. The development would also increase traffic movements within the Badger Hill estate.

Other matters

494. On site housing should be of sufficient numbers and the appropriate type to accommodate all the extra students.

495. Design sustainability should be a top priority for all those involved in the development. If planning permission is granted, all buildings should be constructed to the highest environmental standards and management structures should be established to ensure that standards are maintained throughout the construction period. At least 50% of energy should

be generated on site. There should be a high degree of inspection by staff appointed by the City Council and paid for from a fund set aside by the University.

496. Drainage and flood risk are already problems on the current campus. The proposed lake should be a balancing mechanism rather than an ornamental feature using water from underground aquifers.

Conditions

497. In the event of planning permission being granted, conditions should be imposed requiring the transport links between the two campuses to be free of charge, for the transport link to include Halifax Court and other student residences, the system should be a sustainable 'fixed link' rather than simply a bus service, the proposed lake should function as a balancing mechanism, all building should be constructed to a 'BRE EAM' excellent standard at least and there should be management structures in place to ensure standards do not lapse during the lifetime of the development, at least 50% of energy should be generated on site and there should be a requirement for on-site inspection throughout the design and construction of the development by staff appointed by CoYC and funded by the developer.

The Conservation Area Advisory Panel (Miss A Sinclair)

498. The Advisory panel consider that the proposed new access road through Dean's Acre would harm the setting of Heslington Church and the character and appearance of the Conservation Area. The Panel suggest an alternative route, using an existing access point further up Windmill Lane, which would take the new road further way from Dean's Acre.
499. The University accepts the adverse effect of the new road on the Conservation Area and the setting of the Church but considers that the harm would be outweighed by the benefits to the setting of Heslington Hall. However, the Panel is not convinced that the suggested benefits to the setting of the Grade II* listed building would be delivered. While it is proposed to reduce the width of University Road in the vicinity of the Heslington Hall from two carriageways to one, the recently introduced 'FTR' bus service has a route terminating in front of the Hall. The present dual carriageway and roundabout arrangement may have to be retained to allow buses to turn. It was necessary to widen both carriageways so that other vehicles could pass FTR buses when they are stationary.
500. The Panel therefore continues to have major concerns about the damage to the eastern approach to the village by the construction of the new road and the spoiling of view and setting of the village church by the loss of trees framing it and because of the grave doubts as to whether the compensatory conservation gain is attainable.

City of York Labour Party (Councillor Simpson-Laing)

501. The York Labour Party, while not objecting to the expansion of the University in principle, opposes the proposed provision of student and staff accommodation. The application as submitted does not provide accommodation on campus for all the new student places that would be created. There is a shortfall of some 1700 units. The expansion is also expected to create 2000 additional University staff and some 2500 additional SCY posts during the expansion period.
502. At present only about 50% of SCY employees are recruited locally, while some 2/3 of University staff are recruited locally. Typically some 4 students occupy an individual dwelling. Consequently, some 2,345 new properties would be required to meet the needs of the proposed University expansion.

503. The extra demand would take up a significant amount of the projected new housing requirement set out in the RSS, before other economic growth in the City can be considered and the development would not contribute to the significant need for affordable housing. As a result the on campus provision for students and staff should be increased. This would in turn reduce the traffic movements and reduce the need for parking provision on campus.
504. The difficulties that York housing stock is already experiencing and how they will be affected in the future are not a new problem, but one experienced country wide, as a result of the explosion of higher education over the last 25 years. The adverse social, cultural, physical and economic effects of 'studentification' have been identified in a number of reports. Although when compared with some other university towns the percentage of students in relation to the total population are relatively low, in some areas of the City, such as the Hull Road ward, Badger Hill it could be over 30%.
505. The City of York Draft Housing Strategy 2006-2009 notes that the 2002 Housing Needs Survey concluded that 70% of York household were living in unsuitable housing and could not afford market prices. The strategy also notes that of the 1,281 private sector homes built between 2001 and 2003, 989 went to the 'buy-to-let' market. Council tax records also identify a significant increase in the proportion of students living in the private rented sector. The buy-to-let market is being fuelled by the higher rent levels in the private market that can be obtained when homes are let to students rather than families.
506. The York Housing Market Assessment (June 2006) identifies that at least 40% of the new dwellings provided in the short and medium term should be affordable. In addition, the report shows that York's projected inward migration needs already exceed the RSS housing requirement. The study did not take account of the proposed University expansion which would result in an additional shortfall in accommodation and increases in property prices and rental values. Those on low incomes would therefore find it even more difficult to compete in the housing market.
507. The fact that the majority of students would live off campus would also place a strain on public transport facilities and the road network. The majority of roads leading to the campus are single carriageway and through residential areas. Already the University is serviced by a 10 minute bus service and there is little scope to expand this due to the network. The proposed cap on the number of student car parking spaces on campus could increase on-street parking in neighbouring residential areas and so cause difficulties for residents.
508. For the above reasons the University should provide more accommodation on the proposed site.

Councillor Jamieson-Ball

509. Councillor Jamieson-Ball is the ward councillor for Heslington. In his opinion, whilst a significant minority of residents are in favour of the development, experience suggests the majority are not. The application raises a number of concerns that local residents feel have not been fully addressed.
510. The main source of objection is to the loss of a greenfield site, even for the well-landscaped publicly accessible campus as set out in the application plans. Many residents do not believe that the benefits of the proposal outweigh the loss of the site, which provides an open setting to and views from the village. While the buffer zone would to some extent mitigate the visual impact of the development, it would not compensate for the loss of the village's open setting. The setting of the village has already been harmed by poor quality University development at Halifax Court.

511. In terms of maintaining the character of the village, the continuation of Lime Tree Farm as a working farm is of central concern to many residents. The loss of half of Dean's Acre to the proposed link road with its associated street furniture would adversely affect the setting of the Church, a building of prime importance in the Conservation Area. Having regard to the quality of design in recent University developments, notably Halifax Court and the Science Park, there is a great deal of scepticism among local residents about the ability of the University to develop a high quality and well-designed campus.
512. There is considerable concern about the impact that University related traffic will have on the local community. The development could result in congested roads for longer at peak periods. It is disappointing that the plans for Heslington East do not include improvements to the wider cycle network to extend links between the University and the rest of York.
513. On street parking caused by University related activity is already a problem which the University has not sought to address. Along Main Street (west) there is considerably more on street parking in term times than at other times of the year. The expansion of the University could exacerbate the problem. Any baseline figure required by draft condition 12 should be established during a University vacation.
514. In the past few years concerns have been raised about the number of houses bought to let to the student market. Figures from Council tax records suggest that over 27% of properties in Heslington Ward are now exempt, as student properties, from paying Council Tax. Many longer term residents believe that the current size of the University brings with it sufficient problems and that to double the number of students in Heslington would bring with it insurmountable difficulties that would result in Heslington turning from a community orientated local village into a student suburb.

Councillor Vassie

515. Councillor Vassie, while not opposing the development in principle, considers that a development of the scale proposed should pay proper attention to the key issue of the day, namely climate change. The development will have a considerable impact on CO2 emissions from the City and a noticeable impact on energy consumption in the City. Yet there is no reference to environmental sustainability, no commitment to reducing CO2 emissions, no commitment to incorporating renewable energy, no commitment to construct buildings with excellent levels of insulation, no stated intention to make the development an exemplar of environmentally sustainable construction and no commitment to creating a University transport system that does not rely on fossil fuels in the documents attached to the application. This does not inspire confidence that environmental sustainability is being considered as an important issue. The campus should be an embodiment of current and emerging best practice.
516. Many of the proposed conditions give scope for requiring substantial and material progress on environmental sustainability. However, the conditions should refer to documents that supersede the draft Local Plan such as the Special Planning Guidance on sustainability and the LDF core strategy. Councillor Vassie is also concerned that condition 36 suggests that a Sustainability Statement may not be necessary for all reserved matters applications, depending on the detail of the works proposed.

Mr I Anderson

517. Mr Anderson, who has lived in York all his life, considers that the proposal is too large in scale for a City the size of York and that it will upset the balance between 'town and gown' which has been successfully achieved over the years. The correct balance between the needs

of the University and those of the local community has not been achieved. The 50% target for school leavers attending University is unrealistic and the demand for places from overseas students is likely to fall. The application should not be treated in isolation from developments that are taking place elsewhere within the City which are adding to pressures on services and the housing market and increasing traffic. Many of the developments which have taken place or have been granted planning permission are within 2 miles of the University and will provide some 1,472 new dwellings. Cumulatively development is having an adverse effect on the quality of life within the City. Consequently, the application should be refused planning permission or alternatively the scale of development permitted reduced. A decision on the University's application should not be made until the outcome of the Derwenthorpe and Germany Beck public inquiries is known.

Mr R W Bramley

518. Allowing the development would have a severe impact on the lives of people who live and work in the Heslington area. Congestion will increase. Improved bus services and the 'park and ride' system have had a positive effect. However, the rate of transfer from private to public transport will slow down. York's outer ring road is already working at full capacity for large parts of the day and the scope for reducing traffic further is limited. The traffic calming measures on Heslington Road have effectively reduced the road to one way working. The closure of the carriageway outside Heslington Hall would cause great difficulty for HGVs and farm machinery negotiating the Main Street/Field Lane junction. There are 10 working farms in the vicinity of the village which use that junction, which is also a very busy pedestrian area because of the presence of the shops, public houses, banks and other businesses in Main Street South. School children also have to cross the junction. Furthermore, in order to construct the revised junction, several mature trees will have to be removed.
519. The influx of a large number of transient young people would significantly alter the demographic profile of the area. The majority of those people would be included in the electoral roll, effectively disenfranchising the local community.
520. The loss of high quality agricultural land is a major consideration. The creation of a large buffer zone is a waste of such land.
521. Serious consideration should have been given to the use of alternative sites, particularly Elvington Airfield which is close by. The closure of the sugar beet factory will provide a site of some 40 ha close to the centre of York. Those sites should be developed rather than the land at Heslington East.

Dr R Firn

522. Dr Firn has been a member of the Department of Biology at the University since 1973 and has experience of 'embedded' companies at the University and wishes to see the University and City thrive. However, he objects to the proposal to build a new campus at Heslington because too much land is devoted to property development rather than valid academic uses and the proposed lake has not been shown to be environmentally viable.
523. The case for building SCY offices on Green Belt land is weak. The SCY element of the proposal serves a financial, not an academic need. No quantitative evidence has been presented to support the claim that some 1,800 people would be employed in SCY businesses collaborating with academics. Over the period 1996-2006 only 127 people were employed by 21 spin-out companies. More people (113) are employed on the current Science Park in support services than in genuine spin-out companies. Given that SCY has

been responsible for over 6000 new jobs in York, the percentage of those jobs genuinely linked academically to the University so far has been less than 2%.

524. The University is seeking to promote the concept of 'embedding', which it is claimed will be much more successful at helping the University to develop its intellectual property rights (IPR) than traditional Science Parks. Edinburgh was identified as a University that was successfully embedding its spin out companies. However, the largest science part developments at the University are taking place several miles from the science campus. Furthermore, the University already has some experience of embedding commercial activities in the Biology Department and none of those activities were successful. The most common and successful way for universities to exploit their IPR is by the sale of such rights to larger companies elsewhere in the UK or abroad.

525. The case for using Green Belt land for offices cannot be made if the University already possesses sufficient capacity to house the few spin-out companies it might create elsewhere on the existing campus. The existing Science Park was not full at the time of the application and space is still available. Furthermore, the great majority of those working on the existing Science Park have no valid academic connection with the University. While the condition restricting occupancy of the Science Park is no longer in force, the University retains a controlling share of the Science Park and hence the mix of tenants is within its control. The University could have retained land or buildings on the current Science Park to house spin-off companies for many years.

526. Furthermore large areas of brownfield land are available or will become available elsewhere in York that would be suitable for SCY businesses. The most obvious examples are the former Terry's site and the British Sugar site.

527. If planning permission is granted the conditions imposed should treat the existing Science Park and any future SCY areas on Heslington East as one. Strict, verifiable conditions should be imposed on any SCY buildings granted permission to restrict occupancy of those buildings. Suggested conditions are to be found at appendix 6 of Dr Firn's proof of evidence.

528. Regarding the proposed lake, detailed evidence regarding the sustainability of the proposed lake during the lifetime of the development is not available. Given that it is accepted by the Government that global environmental change will increase average summer temperatures and decrease average summer rainfall, there must be a presumption that the proposed amenity lake would not be sustainable for the life of the campus. A preferable approach would be to use extensive wetlands and canals, which would give greater biodiversity gains, for hydraulic control. Such an approach would comply with local, regional, national and European policies on the prudent and sustainable use of water resources.

Heslington Church (Mr W H Telfer)

529. Clergy and lay officers appreciate both the changes made in response to their representations at the planning application stage and those elements of the proposed development that will benefit the Church, namely the provision of car parking and the possible provision of a churchyard extension. However, two aspects of proposal are of concern, namely the proposal to construct a link road over Dean's Acre and the proposal by the CoYC to prohibit or restrict traffic flow on Heslington Lane. The external setting of the Church will be affected and an important outlook from inside the Church will be destroyed by the presence of the road and its associated lighting, street furniture and moving vehicles. In the Church's view, the proposed road could and should be constructed without intruding

onto Dean's Acre. In addition the attractive landscaped setting of the Church would be harmed. In effect the Church would be isolated within a large roundabout with noisy traffic passing close to its eastern end.

Mr and Mrs Hawkswell

530. Mr and Mrs Hawkswell are the occupiers of Lime Tree Farm, the last remaining working farm within the village. Mr Hawkswell has farmed the land for some 25 years. Prior to that it was farmed by his father, who moved to the farm in 1957 when there were 10 working farms in the village. The application site meets the purposes of Green Belt policy in that it helps to prevent urban sprawl, safeguards the environment and provides public access to the countryside. The University wants to develop the proposed site to limit the cost of the development and the CoYC supports the proposal as brownfield sites elsewhere in the City will remain available for other forms of development. As the University is a big business it should be located on land appropriate for such development. While the University benefits the economy of York, not all contributions are positive. For example the buy to let market has increased house prices beyond the means of local people. New jobs at the expanded University would be taken up by people from outside the area adding even more pressure to the housing market.

531. Lime Tree Farm has changed in size over the years. Most recently, some 8.5ha of land was taken from the holding for the development of sports fields and student accommodation at Halifax Court. Currently the farm consists of some 119ha of land held under a 1986 Agricultural Act Tenancy and 6.8 ha on a Farm Business Tenancy (FBT), a total of 125ha. The land proposed for the new campus accounts for nearly 72% of the holding. The objectors are also concerned that further land could be taken from the holding in the future, including the land held on a FBT, resulting in a holding of some 22.6 ha, a proportion of which would be low grade grassland and the farmstead itself. When account is taken of land taken from other farms, some 130 ha of high quality agricultural land would be taken out of production to provide some 15 ha of built development.

532. The 130 ha of land offered by Halifax Estates at Grange Farm, Thixendale on a FBT until 2009 would not compensate for the loss of land at Lime Tree Farm. Mr Hawkswell only took on the tenancy because no other alternative is available. The farm is some 18 miles from Heslington resulting in unproductive use of work time travelling and increased costs. The land is of 3b agricultural quality and of a different soil type with a higher stone content to that found at Lime Tree Farm. Currently the growth of sugar beet and potatoes are the main cash crops grown at Heslington. An attempt to grow sugar beet at Grange Farm was unsuccessful and attempts to grow potatoes have met with limited success. Due to the uncertainty created by the FBT at Thixendale it would be unwise and not viable to invest in the additional machinery necessary to successfully grow potatoes at Grange Farm. Even with the greater area farmed at Thixendale, the overall output from Grange Farm is 43% lower than at Heslington. The land at Lime Tree Farm is very productive and versatile and capable of growing a wide range of crops. If the proposed development proceeds, it would be necessary for cropping patterns to change. There will no longer be a need to employ a farm worker and it would be necessary to sell off items of machinery.

533. The farm currently supplies local merchants and the York sugar beet factory. It is Government policy to promote locally produced foods.

534. The proposal is contrary to the provisions of the NYCSP and the and the Draft Local Plan in that it involves the development of the loss and the most versatile agricultural land when there are alternative sites available of much lower agricultural quality. It should be possible

for the University to expand on to sites much closer than Grange Farm. In times of global uncertainty and climate change greater emphasis should be placed on growing our own food and on producing crops to provide renewable energy sources. Good quality versatile agricultural land is required to produce such crops. The demand for organic food also requires increased areas of agricultural land as yields are lower. The land at Heslington would help the environment more by producing local food rather than being developed as a university campus. Farming practices can also help to address climate change as recognised by the University with its centre for novel agricultural products and research centre into bio fuels.

535. The incidences of flooding in York are increasing as a result of climate change. Building on greenfield sites can would exacerbate the problem.

536. Building on the application site will not improve the biodiversity of the area. The lake at the existing campus is not healthy. Another lake with the same problems would not improve biodiversity. Nor would the creation of a further campus in a 'parkland setting'. Those who regularly walk and work in the area enjoy the varied wildlife. The University's wildlife surveys, which were carried out on a limited number of occasions, do not reflect the range of wildlife in the area. Surveys carried out by the RSPB in the summer of 2006 show that the farm has an above average population of birds, including Golden Plover.

537. The fact that the site has been earmarked for University development for many years should not influence the decision as planning guidelines and circumstances have changed.

538. The employment benefits for the City will not be as great as is claimed by the University. The only posts likely to be created for local people are in lower paid jobs such as cleaning and maintenance. Employees to fill higher paid posts will be recruited nationally.

Mr R G McMeeking

539. Mr McMeeking supports the proposed development but has concerns regarding the provisions of the S106 Agreement and the manner in which the demand for student housing has been calculated by the Council. In terms of the S106 Agreement Mr McMeeking's concerns relate to the means by which the Council would exercise a measure of control over the process of providing housing for University of York students. In particular, as Policy ED6 of the draft Local Plan covers housing on the existing campus as well as the proposed campus, the S106 Agreement should also relate to both campuses in order to ensure that the impact of student housing generated by University expansion as a whole is kept within agreed limits. He suggests a number of detailed changes to the terms of the draft agreement which are set out in Doc 65

540. In McMeeking's view the University has over-estimated the number of part time students in the eventual total student population of the Heslington East campus and thus underestimated the requirement for residential places. The demand for accommodation is likely to be in the region of 4,500 units rather than the 3,500 estimated by the Council. The University's calculations are expressed in terms of FTE students. While Mr McMeeking accepts that this is conventional practice for the calculation of teaching load and other forms of capacity utilization, he believes that in terms of calculating student housing requirements, the adoption of FTEs as the unit of demand can seriously distort the statistics

Dr R Pierce

541. Dr Pierce's main objections to the proposal are based on his experiences as a mature student and teacher at the University. One of the strengths of the University lies in the pooling and

central allocation of teaching and other central resources. Such arrangements offer better facilities than individual departments alone can offer, more contact with other disciplines and more efficient use of specialist resources. A major consequence of the proposed development is that the mean journey length for staff and students will increase from some 500m to some 1,500m. The split campus will neither be as efficient or as practical as the existing campus. Any additional development should therefore be located at the existing campus. The 20% footprint is not supported by any measure of environmental capacity. By examining the development potential of the existing campus, including the redevelopment of CLASP buildings and comprehensive development alongside and over University Road, space could be found to accommodate the new development proposed without resorting to 'high buildings'. Relocating existing 'open' uses into the Green Belt could also release land for development within the existing campus. Mr Pierce also questions whether the collocation of University and business uses is in fact necessary or desirable.

542. Regarding the visual impact of the proposed development, the Heslington East site is highly conspicuous open land which foregrounds Heslington village and the City from the A64. It is probably the most prominent site in the York Green Belt. The proposed buildings will destroy the roles currently performed by the site. On the basis of recent University developments and the ever changing nature of education policy, Dr Pierce questions the ability of the University to deliver the necessary inspirational form of development required for such a prominent site.

543. Finally, the impact of additional staff and students will adversely affect housing supply and the local housing market. Most of the new teaching and research posts will be filled by immigrants, while the posts filled by local people are likely to be a poor substitute for those lost in the railway and confectionary industries.

Mr W H Telfer

544. Mr Telfer appeared on behalf of a group of Badger Hill residents who object to the proposed development on a number of counts. Badger Hill is the closest residential area to the application site. Almost one third of the representations received by the Council regarding the application were from residents of Badger Hill. The consultation process undertaken by the Council was inadequate and the proposals are not acceptable to the local community for the reasons set out below.

545. Firstly, the proposed development is inappropriate within the Green Belt. The very special circumstances required to allow inappropriate development in the Green Belt do not exist. The policies of the draft Local Plan list one of the purposes of Green Belt policy as being to retain land in agricultural, forestry and related uses. The development would result in the loss of 116 ha of high quality agricultural land and would bring to an end the last farm in Heslington, an event of symbolic importance. Prior to the arrival of the University there were 14 working farms.

546. If the development goes ahead it would create a precedent which would make it difficult to resist other development proposals in the Green Belt. At present the continuous line of Field Lane and Hull Road provides a clear demarcation between urban development and the countryside. CoYC has already allocated in the draft Local Plan 10ha of land adjoining the application site at Grimston as reserved land for possible future development. The existing development limit should be retained in order to preserve the integrity of the Green Belt.

547. The land plays a very important role in the setting of York when viewed from the A64. It provides a view of gently rising open countryside that provides a break between the ring

road and the City. The quality of the landscape is undervalued in the applicant's assessment which is skewed in favour of the development. The proposal would form a highly visible intrusion into the rural landscape on the edge of the City. The intention to locate the tallest buildings near the top of the slope would exaggerate its impact. Even with landscaping of the highest quality, the rural character of the landscape will be lost.

548. There is a strong policy presumption in favour of the best and most versatile agricultural land. It is a valuable resource which should be protected for future generations. The value of the land at the application site is further enhanced by the fact that it is south facing and gently sloping which provides excellent drainage and maximises solar warmth, so providing ideal growing conditions. Of the 116 ha site, some 12 ha would be developed as a lake, 23 ha would be planted as woodland, 16 ha would be open parkland, 25 ha would be developed for SCY uses. With the development of modern telecommunication systems, it is not necessary for SCY uses to be located on the campus and such uses should be developed on brownfield land elsewhere. Therefore only about 40 ha, some 34% of the site would be used for developments related to University purposes. As the building footprint would be restricted to 23%, less than 9% of the site would be developed for university buildings. That total includes the performing arts complex, conference venue, leisure and sports facilities and retail facilities. Therefore only about 5 or 6 ha would actually be developed for academic and research buildings and student residences. While it is not suggested that those building should be crammed on one small site, the preceding analysis demonstrates the proposed extravagant use of valuable agricultural land. The proposed developments could be located on smaller parcels of land elsewhere. However, it would appear that the University has never seriously considered any other site for its new campus.

549. Residents are concerned that the additional traffic generated by the proposed development would be considerably greater than predicted in the application. Residents already experience considerable inconvenience during University terms at peak periods because of queuing traffic all the way along Field Lane and Hull Road to beyond the park and ride entrance. The applicant is unduly reliant on the outcome of the Sustainable Travel Plan. The traffic impact assessment underestimates the likely growth in vehicle movements. Logically, if the University expands by 50% University traffic should expand to the same degree.

550. The applicant's assessments are deficient firstly because the existing University Travel Plan excludes persons working at the Science Park because the University has no control over their travel patterns. However, it is assumed that workers at the proposed SCY units would be included in the proposed travel plan. Controlling the movements of employees of private companies could be problematic. Secondly the peak hour arrival and departure totals have been reduced by 10% to take account of the number of internal trips around the University. No justification is provided for that figure. Thirdly it is assumed that the introduction of flexible working would result in a decrease of 10% in peak hour student and staff traffic flow at the end of phase one and a reduction of 25% at the end of phase 2. Once again no quantitative evidence is provided to support those assumptions. It is a flawed approach to assume they are correct. Fourthly 1,700 of the additional students would be part time, many of whom would arrive at the campus by car. As their journeys would be from many different starting points car sharing would be difficult. This could create a considerable number of additional traffic movements which have not been factored into the vehicle trip calculations. Fifthly, the base traffic flow for Hull Road east at the Hull Road/Field Lane roundabout shows a maximum queue length of 2 vehicles. This is not an accurate depiction of the actual situation. The same is true of the Field Lane/University Road/Main Street junction which is said to have a maximum queue length of 22 vehicles, although in practice

the queue can extend to Hull Road. The inaccuracy of the base figures cast doubt on the value of the entire survey. Finally the predicted queue length at the Field Lane/Link Road junction is widely optimistic. Overall, the objectives of the sustainable travel plan are aspirations which may or may not be achieved. The predicted traffic flows are dependent on too many poorly supported assumptions, which may or may not be achievable and insufficient information is provided on the methodology used to obtain the traffic data and the timing of traffic surveys.

551. Residents are also concerned about the proposed site access, diversions, junction alterations and traffic control measures. The integrity of the Field Lane/Heslington Lane highway, which has linked the communities of Badger Hill, Heslington and Fulford for many years, is threatened by the diversion of Field Lane through the Science Park and by the possible future closure of Heslington Lane in the vicinity of Goodrick College by CoYC in the event of planning permission being granted.
552. The application includes a proposal to install traffic lights at the altered junction of Field Lane and Windmill Lane. The proposed changes would decrease levels of safety at the junction, especially for children. At present the junction is used only by residents of Windmill Lane which is a no through road. Traffic flows, which would include UTS vehicles, at the junction would increase significantly as a result of the proposal. As UTS vehicles would cross Field Lane about every 2.5 minutes, they should be routed under Field Lane via an underpass.
553. The proposed access to the site from Field Lane opposite Deramore Drive is also of concern to residents, especially during the construction phase. The access is much too close to residential areas of Badger Hill where residents would suffer the noise and dust associated with construction traffic. Alternative accesses could be provided directly from the A64, from the Field Lane/Hull Road junction or from the Grimston Bar Park and Ride site. The last option appears to be the most feasible and the proposal to upgrade the Hull Road/Grimston Bar Park and Ride junction should be implemented during the first phase of the development. It would not then be necessary to also construct an access from Field Lane. The removal of the Field Lane access would also reduce the likelihood of staff commuting between the two campuses by car and it would reduce vehicle movements on Field Lane.
554. Residents also fear that the proposals would result in dispersed parking occurring within the residential streets of Badger Hill, because of parking controls within the campus. It is disappointing to residents that CoYC would only take action after an increase of 20% in on-street parking has occurred. Reactive enforcement measures will inevitably be of some inconvenience to residents.
555. Residents' concerns about the impact of the proposed road over Dean's Acre reflect those of the Church authorities.
556. The proposed planning conditions do not inspire confidence that existing traffic problems would not become worse as a result of the proposals. Too much reliance is placed on surveys and monitoring which will be undertaken by the University itself. The surveys must be seen to be independent and impartial.
557. In recent years an increasing number of properties in Badger Hill have become student lets. In 1995/6 the total number of full time students was 5,411 and the University provided 3,339 accommodation places. By 2004/5 the number of full time students was 9,148 yet the number of accommodation places had only increased to 3,996.

558. Turning so many additional students out into private rented accommodation has put enormous pressure on local communities. It has become difficult for local families to compete in the housing market. The conversion of family houses into student accommodation has depleted the pool of houses available for family accommodation at a time when much of the new residential property in the City has been in the form of flats and apartments. There is therefore an imbalance in the type of residential accommodation available.
559. In order to maximise the return on their capital investment and accommodate as many students in a property as possible, private landlords have added unsympathetic extensions to properties and converted garages to accommodation with resultant loss of car parking. To compensate for this loss, front gardens are paved over or alternatively parking takes place on the grass highway verges. In addition property developers and students do not have the same degree of commitment to the maintenance of their properties so that houses and gardens become untidy and shabby.
560. The increase in student numbers created by the proposed development would result in a more pronounced imbalance in the demographic mix of nearby residential areas. The number of students attending Badger Hill School many decline possibly resulting in its eventual closure.
561. Students also have different lifestyles to families. Mixing the two lifestyles in close proximity has the potential to cause disagreements. Many student properties are vacant during vacations which can make them targets for criminals. Once criminals are attracted to an area, they are likely to take advantage of other opportunities. The overall effect of these changes is to diminish the character and appearance of and the living conditions within residential areas.
562. It is difficult to establish the current level of student lettings. One study estimates that it may be as high as 43% in the Hull Road ward, another suggests 20%. In Yarburgh Way, within the Badger Hill estate the figure is 16%. While this level of lettings may be tolerable, any further increased would not be desirable, especially as student houses appear to occur in clusters. The proposed 3,300 bed spaces for 5,400 FTE students provides no leeway if the University has underestimated the number of bed spaces required. Ideally a bed space should be provided for all students. The additional 1,800 staff and 2,500 Science park employees will also increase pressures on the local housing market.

Dr R Tyler

563. Dr Tyler evidence is concerned solely with the issue of studentification and the effect on residential amenity. He refers to the findings of the Studentification Report by Universities UK which recognises that 'it is incontrovertible that the negative effects of studentification are evident in several towns and cities across the UK'. Studentification is therefore recognised nationally as a problem and it afflicts most university towns. The direct social impact of students is their behaviour, as even the best behaved can cause nuisance at un-social hours. Indirectly they can attract crime resulting in increased insurance premiums. Environmentally, students properties can become degraded as a result of inappropriate modifications and extensions, lack of maintenance, the hard surfacing of front gardens and the presence of litter and refuse. Streets are affected by parking congestion and the presence of numerous letting boards.
564. The claimed economic benefits are exaggerated. Student demands, such as for pubs, take-aways, supermarkets and letting agencies are specific and seasonal. They can therefore

affect the viability of local shops. They also disrupt the local labour market by generating seasonal and part time jobs.

565. In reality studentification involves the substitution of a local community by a student community. Once studentification is under way, it becomes irresistible as residents are alienated by their loss of amenity and are attracted to sell at inflated property prices. Universities are undoubtedly good news for towns overall, but for their immediate neighbours they can have harmful consequences unless student accommodation is rigorously controlled.

Mr Windass

566. Mr Windass, is also concerned about the effects of studentification. In his view, the University must ensure that all students are accommodated on campus for the duration of their studies, including existing students. The lifestyle of many students is not compatible with normal family culture. In recent years, the majority of houses sold in the immediate area have become private rented accommodation resulting in a huge increase in on-street parking. The student accommodation is concentrated in those parts of the City near to the University. In Mr Windass' own street in Badger Hill 5 out of 9 dwellings are let to students.

567. He also considers that there is no justification for development within the Green Belt, given that less than 30% of the existing campus is developed. If the University must expand beyond the confines of the existing campus, brownfield sites are available elsewhere.

Representations from non-statutory third parties in support of the application

The material points are:

Hugh Baley MP

568. Particular attention should be given to the economic contribution that the University makes to the City and the region. Although York is a prosperous City, the economy has not always been so strong. In the 1980s and 1990s a significant number of jobs were lost in the manufacturing, transport and confectionary sectors. More recently jobs have been gained in the science, technology and services sectors. However, the closure of the Terry's factory in 2005 and the proposed closure of the British Sugar factory are reminders of the continuing need to attract high quality secure employment.

569. The SCY initiative has created over 2,000 good quality local jobs and its success has won national attention. The Chancellor of the Exchequer regards SCY as an exemplar, not only in terms of promoting knowledge transfer to support local economic regeneration but as a key player in raising Gross Value Added in the Yorkshire and Humber region. The University is investing heavily in supporting these activities and is proposing to co-locate SCY businesses and higher education activities within the new campus in order to bring significant gains in economic growth. However, the University has run out of space and without expansion space for its academic activities any further contribution to local economic growth will not be possible.

570. There are still too many young people in York and its hinterland who are not able to access further and higher education. The University is committed to widening participation and Higher York, of which the University is a member, is committed to this. Without the proposed expansion, the opportunities for young people to progress through higher education will be limited, particularly those who want to study while living at home.

571. York has a relatively small proportion of students compared to many other University towns. The impact of students in the community is not therefore as great as it appears to be in some other towns. While students affect the local housing market, recent research by Fordham Research indicates that the key drivers of prices are incoming households with good incomes and incoming retirees. However, the shortage of accommodation for sale and rent in the City is a concern and the University's intention to provide on campus accommodation for all students who require it is therefore welcome.
572. York's local economy is supported by and benefits from the presence of the University and its students in many ways. The prosperity of York and the region is very closely tied to the University's success. If the proposed development does not proceed, it could result in a period of stagnation for the University that could lead to a relative decline in its standing. In turn this could have a serious long-term impact on the prospects for the City.

John Grogan MP

573. The University is within Mr Grogan's constituency. His post bag confirms that there is considerable support across the constituency as a whole for the proposed development.
574. The restrictions placed on the Heslington campus have resulted in it being built out. The development brief for the existing campus is appropriate and ensures that the campus sits well on the edge of the urban area and provides an attractive landscape for the City.
575. Particular emphasis should be given to the economic contribution that the University makes to the City and the region. Although York is currently a prosperous City, the surrounding areas face a number of economic issues, including unemployment. The University is a major employer on the south side of the City. Residents of Selby District would benefit from an expansion of employment at the University, as the proposed development would provide opportunities across the employment range.
576. The sub-region would also benefit from York's development as a centre of excellence for high technology development through initiatives such as SCY. The University has been a key player in that initiative. The University is investing heavily in supporting knowledge based activities and, in line with current nationally recognised evidence, is proposing to co-locate business and higher education together on the campus so as to achieve gains in economic growth.
577. The expanded University would also have an important role to play in access to higher education, particularly for local people. It would bring a greater range of courses and offer more vocationally orientated courses that would be attractive to many who have not so far been to university.
578. The key issues raised at meetings with local residents were traffic and the impact of students on the local housing market. The University has undertaken to provide housing on campus for all students associated with the expansion who wish to have accommodation. The proposed planning conditions would ensure the continuing development of accommodation. The key drivers of the local housing market are affluent incomers on the one hand and the failure of social housing provision on the other.
579. Regarding traffic issues, while the University has put forward a sustainable traffic plan, the University is poorly served by bus routes from the outlying areas of York and there is a need to secure better inward transport.

Yorkshire Forward

580. Yorkshire Forward is the Regional Development Agency charged with producing and leading delivery of the RES.

581. The RES 2006-2015 was approved by the Government and launched in July 2006. It contains a number of objectives and priority actions that are relevant to the development of the University. Objective 2A focuses on fostering innovation to develop new markets and products, for example good links between business and higher education institutions. Objective 3A focuses on expanding Higher Education, fostering excellence in management and leadership skills and improving graduate retention in the region. Objective 3 focuses on the need to improve higher level skills to capture the potential of people with degrees.

582. In broad terms the RES identifies science and innovation as a key driver in the transformation of the region's economy and the region relies heavily on its universities to deliver a knowledge based economy. York has a developing economic base in science and technology, financial services and added value tourism. The RES identifies 2 clusters with particular relevance to the City of York namely digital industries and bioscience.

583. In 2003 York was named 'University of the Year' for its sustained excellence and it was the only University in the region in the top ten of all independent league tables in 2005. It makes a direct contribution to the regional economy of some £120m per annum and sustains more than 4000 jobs. However, it remains one of the smallest universities in the UK.

584. SCY as a joint venture between York City Council and York University is an initiative designed to stimulate growth of clusters of knowledge-based industries that were beginning to emerge in the City. In particular activity has been focussed on bioscience and healthcare, IT and digital and creative technologies. It has helped create 60 new technology companies and some 2600 new jobs. It is expected that SCY could directly generate at least 15,600 jobs by 2021 and a further 3,400 indirectly. York's strength in the science and technology sector is linked to its University.

585. York University has evolved into a research-led university with a total associated income gain to the local economy of some £164m. It has an international standing. Research income is vital to the University if it is to retain its position. Increasing research income is essential to the development of spin out businesses from the University, 17 having been established in recent years. Small in comparison to competitors the University needs to grow to ensure its future success. The proposals also present opportunities to increase incubation and business start-up facilities for greater collaboration between the University and industry and for expansion of the region's cluster strengths including bioscience and digital technologies. The strategic economic importance of the proposed expansion is considerable in North Yorkshire and across the region.

Mr M Armstrong

586. Mr Armstrong is the elected head of the University of York Students Union. The Union supports the proposed development for a number of reasons. Foremost among these is the opportunity to increase educational opportunities in the City. The increase in student numbers would allow students from non-traditional backgrounds the opportunity of an education at York, while the increase in the number of departments would give more students the opportunity to widen their areas of study. Those who object to the proposal because of concerns about 'studentification' focus on the relatively few negative incidents that occur, such as noise or other anti-social behaviour. Since the implementation of the 'SSSH' campaign there has been a significant decrease in the number of complaints

received. In the last academic year there were only 8. The Union is committed to continuing the campaign. Furthermore, account should be taken of the fact that the City benefits from its students who run a large number of volunteer projects aimed specifically at the local community.

Mr R Davis

587. Mr Richards is the Internal Officer for the Graduate Students Association which also supports the expansion of the University. In recent years the University has seen a growth of student intake, a large proportion of which has been postgraduate students as a result of the continuing excellence in teaching and research. The proposed new campus would enable the provision of technologically innovative equipment with additional valuable facilities for students. PhD and masters students currently face problems due to a lack of personal study space. This has recently become a concern for science students where space is becoming limited on the current campus, but is more acute for arts and humanities students, the majority of whom have no personal study space. All departments at the new campus would have spaces for postgraduate students and space would be freed up on the existing campus as a result of the proposed development.

Mr N Engineer

588. Mr Engineer is the elected President of the Athletic Union. Whilst the vast majority of Athletic Union members are students, the Union also welcomes non-student members and places no restrictions on their participation in club activity. The Union has set up a Sports Volunteer Programme, the aim of which is to place qualified student coaches into local schools to help with the teaching of sport and physical recreation to young children. The Union and its affiliated clubs also support and operate other programmes and projects designed to increase community participation in sport. Such support includes the use of University facilities by local sports clubs and there is a proven commitment to providing community access to facilities.

589. However, York does not have the sports facilities that might be expected of one of the country's leading universities, a fact that has had a detrimental effect on attracting new students. The proposed development would provide superior facilities with substantial public access and would allow for new initiatives and collaborations with local clubs, schools and youth groups.

590. The Union has also adopted a proactive approach to the issue of student behaviour and has implemented 'Club Social Guidelines' in order to address issues relating to anti-social behaviour, even though the actual problem is small.

Written Representations

The material points are:

591. HEFCE, the body charged by Government with implementing national policy in respect of higher education in England, supports the proposed development. In HEFCE's view the educational, economic and social benefits that would derive from the development constitute very special circumstances sufficient to allow the proposal as an exception to the normal presumption against inappropriate development in the Green Belt. The 2003 Higher Education White Paper recognises the vital contribution of universities to the economic and social well being of the nation and that it is in the country's interest to expand higher education. York is the 6th smallest University in the country, yet it contributes more than its size would suggest in teaching, research and benefits to the business community. HEFCE

has carried out a thorough review of the University's expansion proposals and confirms that they comply with Government and HEFCE policy. HEFCE does not prescribe the form of any institution's expansion and recognises the benefits of diversity. However, the University has a distinct approach that has served it well and enabled it to become a first class institution. This has been based on an integrated campus in a landscape setting which encourages interaction and allows the co-location of academic, residential and social activities. HEFCE supports the continuation of this model.

592. Sport England Yorkshire endorses the additional sport and recreation facilities which would be provided as part of the proposed campus. The new sports facilities would provide additional opportunities for the wider community to become involved with sport and should assist in widening participation among those groups that currently have low activity levels. The University already plays a key community role in supporting a network of clubs, sports facilities, coaches, volunteers and competitive opportunities. In addition to widening participation, the facilities at the new campus would respond to the needs of the region's elite sportsmen and women. There is currently a shortage of this type of facility in and around York which inhibits the development of local talent.
593. The National Railway Museum supports the proposed development on the basis of the educational and economic significance of the University to the City, region and country. It is imperative that the University grow if it is to continue to bring benefits to the area. In the opinion of NRM, which is located within York Central, the scale of investment required to reclaim that area and provide access is such that redevelopment will inevitably need to be focused on commercial developments.
594. The Business and Education Partnership for York and North Yorkshire contend that the University is at present too small to survive in the longer term on a global scale. While it needs to retain its unique qualities, it may not survive as an independent institution without a judicious amount of controlled expansion. Such a loss would be devastating to the sub-region as the University currently contributes an immeasurable amount to the local region culturally, academically and economically.
595. The Joseph Rowntree Foundation supports the view that the University must continue to expand if it is to continue its success and so be able to attract world class academics and provide first class facilities.
596. The York Museums Trust also supports the proposal to expand the University at Heslington. The Trust regards the University as a key partner and its development would help the Trust to achieve its objective of extending lifelong learning to a greater range and promoting the economic sustainability of the City. The prestige of having a world class university in York is invaluable to the City and its standing in national and international business communities and its expansion will help to continue the momentum of economic and cultural growth in York.
597. The York Civic Trust supports the University's wish to expand as the economic benefits the University brings are essential to the prosperity of the City. In recent years those benefits have helped to cushion the City against the effects of major job losses in the York's traditional industries. The University also brings social benefits and residents are actively encouraged to visit the campus. The University has an excellent track record in sensitive and sympathetic development and in managing its property and open spaces in a way that is of positive benefit to the local community as well as those working and studying on the campus.

598. Anne McIntosh MP for the Vale of York expresses concern at the erosion of the Green Belt around York.
599. English Heritage does not raise any objection in principle to the detailed proposals which have been put forward. However, English Heritage is concerned about the principal of large-scale development on the periphery of the historic city being determined outside the development plan process. The main purpose of the York Green Belt is to preserve the setting and special character of the historic city. To allow the University and other proposed large scale housing development developments at this time could prejudice the definition of inner Green Belt boundaries through the emerging LDF process. Given the primary purpose of the Green Belt, this could, potentially harm the special character and setting of the historic city. In addition the applications are being assessed without any strategic assessment of what the capacity of the historic city, as a whole, might be to accommodate further growth. There has been no consideration by either CoYC or the University of the cumulative impact which the University proposal, together with all the other sites which CoYC is examining through the emerging LDF might have on the character or setting of the historic city. In order to ascertain at what point the special character or the setting of the City might be harmed, and therefore where a halt should be put upon the further growth of York, an assessment needs to be undertaken of the capacity of the historic city to accommodate further growth.
600. CPRE (Ryedale Branch) object to the proposal primarily on the grounds that it is contrary to the guidance in PPG2 and the fact that there is room for expansion on the existing campus.
601. The written objections to the application from other organisations and individuals raise similar issues to those presented in evidence by objectors at the inquiry. Objectors consider the development to be inappropriate within the Green Belt and that the very special circumstances necessary to allow such development do not exist. In particular the SCY uses are considered to be inappropriate and the need for such business uses to be located within the University campus is questioned. Objectors consider that alternative brownfield sites are available within the City, particularly at York Central, Terry's and the British Sugar factory. The detailed boundaries of the Green Belt should be defined through the development plan process and planning permission should not be permitted in advance of the LDF. The Heslington Village Design Statement does not allow for the proposed development or development on Dean's Acre. The benefits of an increase in employment in the area would be outweighed by the fact that students who stay on in York take employment from local people and most professional posts would be taken up by people from outside York. There is no need for the University to expand as student numbers are forecast to fall. An increase to some 15,000 students would be excessive. The University's small size is part of its attractiveness. A split site would reduce that attractiveness.
602. Objectors who support the expansion of the University consider that it could be achieved in other ways. Alternative sites are available and building density on the existing campus could be increased. Other universities, for example Oxford and Cambridge have a strong presence with their respective cities and are not based on suburban campuses. Expansion on sites within the City could have an invigorating effect on life in the city centre. Existing companies on the Science Park should relocate to free buildings for University use. Growth could be accommodated on dispersed sites linked using modern technology. On site accommodation should not be used for conferences. Retail, commercial and social uses should be minimized to those required to support the academic uses. Any commercial uses permitted should be a genuine collaboration between the University and the private sector.

The fact that some 38% of the proposed development would comprise business units is considered excessive.

603. Traffic and highways issues are a significant cause of concern. If permitted it is feared that the development would result in parking pressures in surrounding residential areas and increased traffic on local roads and roads elsewhere within the City which are already congested. The quality of the traffic assessments is questioned. More information is required in order to properly assess the impact of the development on local highways. There should be no access to the site from Field Lane and no road across Dean's Acre. Access to the site should be from the Hull Road roundabout, Grimston Bar or from the A64. A cumulative traffic impact assessment should be undertaken to take account of proposed developments at the University, Germany Beck and Derwenthorpe. Account should be taken of the fact that open days and graduation days bring in thousands of people which causes congestion and inconvenience. Construction traffic should not be allowed within the village and hours of working should be restricted. Existing traffic calming features on Heslington Lane cause problems and congestion and are unpopular. Residents fear that the Lane may be closed to through traffic or a 'rising bollard' introduced as a consequence of the development. Better and safer public transport, cycle and pedestrian links should be provided with the City centre and other areas of York as part of the proposals. The proposed highway alterations would make it difficult for large agricultural machinery to negotiate the Field Lane/Main Street junction. Elderly residents and young children going to school would find it difficult to cross roads due to the increase in traffic.
604. The development of grade 2 agricultural land should not be permitted and is unnecessary given the availability of alternative sites. Development of the land would also result in loss of habitats and wildlife. The area is currently rich in wildlife.
605. There would be a loss of open space and open views across the countryside. The proposal would detract from the character and appearance the Conservation Area and the setting of Heslington Church. Buildings should be better designed than those on the existing campus. The maximum height of the proposed buildings is too high for the historic city. The design of the buildings must be sympathetic to their surroundings. Concerns are also expressed about the visual impact of lighting and its effect on wildlife.
606. Good quality landscaping should be implemented early in the development process. Trees on the site should be conserved. The movement spine should go around the buffer zone and the buffer zone should be constructed to provide adequate visual and acoustic barriers to the church, school and residential properties;
607. Residents fear a reduction in their living conditions. Increased student numbers could encourage increases in crime, noise and anti-social behaviour. There would be a further rise in house prices and the increasing number of student lets would adversely affect the character and appearance of the area. More than 500 homeowners on the Badger Hill Estate signed a petition calling on CoYC to stop the conversion of family homes into multi-let student accommodation. Noise and dust produced during the lengthy construction period could also harm the living conditions of residents.
608. The development would overload the local sewerage system within an area that is already subject to flooding.
609. The representations in support note that the site has been allocated for University expansion since 1966 and thus predates many of the houses in the area and most of its residents. The site is of key importance to the City, the region and the nation. In order to continue to

provide those social and economic benefits the University must continue to grow. The expanded University would provide further graduates, would result in inward investment and would bring long term jobs and prosperity. The success of the University enhances the image of York internationally. The University provides custom for local shops and businesses. The proposals would result in less traffic in Heslington. The site is currently of limited ecological value and new habitats will be created.

Conditions and Obligations

610. An amended list of proposed conditions as discussed at the inquiry is at Doc 71. That document supersedes the draft conditions set out in the Statement of Common Ground and in University Document 24 – Proposed Planning Conditions (Doc 70). The document containing the amended list of conditions identifies the areas of agreement and disagreement between the University and the Council, highlights the proposed changes to the conditions and the reasons for those changes and outlines the University's case regarding the conditions which remain in dispute.

611. The City of York's position regarding the proposed conditions is set out in Document 74 and Heslington Parish Council's case in respect of conditions and the Section 106 agreement is set out in Document 43.47.

612. The only outstanding differences between the University and CoYC are in respect of draft conditions 8, 9, 12 and 14.

613. Taking account of the advice in Circular 11/95 and the evidence submitted my comments on the suggested conditions are as follows:

Condition 1 is appropriate and justified in that it clarifies the plans on which the application was determined should planning permission be granted.

Condition 2 reflects the model condition for reserved matters set out in the Circular with one minor addition and is appropriate and justified.

Condition 3 does not follow model conditions 4 and 5 in that it requires applications for the approval of reserved matters to be made within 20 years of the date of the planning permission. However, paragraph 56 of the Circular allows for the variation of the periods specified in the Town and Country Planning Act 1990 and I consider the extended period for the submission of reserved matters to be appropriate and justified given that the proposed campus would be developed over a period of many years. It would be unreasonable and unrealistic to require the submission of all reserved matters applications within 3 years of the granting of planning permission.

Condition 4 is appropriate and justified in order to limit the extent and density of built development in the interests of protecting the character and appearance of the area and the setting of York

Condition 5 seeks to restrict development at the site to University uses. The condition is necessary and justified as, in the event of planning permission being granted, it would be on the basis of the very special circumstances related to the specific use. While objectors consider that the condition lacks precision and that it would be unenforceable, I consider it to be sufficiently precise to restricted development to uses that genuinely relate to the University and that it is capable of enforcement.

Conditions 6 and 7 are intended to restrict the generation of traffic flows to and from the University and are key to the acceptability of the proposed development in terms of

highway capacity and safety. Condition 6 requires the developer to undertake an annual survey of traffic travelling to and from the University together with a survey of traffic through the 3 principal junctions which provide access to the Heslington area. In addition surveys would also be made of traffic travelling through the main junction within Heslington Village. The precise timing of the surveys would be within the control of the Local Planning Authority. Condition 7 is intended to preclude additional development at the proposed campus if actual surveyed traffic volumes related to the University at the three principal junctions are more than 5% higher than the predicted flows. The changes to the condition suggested by HPC are unnecessary as for practical reasons I consider it highly unlikely that the developer would seek to erect buildings in the manner suggested in order to avoid complying with the condition. The conditions are therefore appropriate and justified in order to monitor and if necessary mitigate traffic flows associated with the University.

Conditions 8 and 9 relate to improvements to the Grimston Bar roundabout which is agreed are necessary in the interests of the flow of traffic and the safe operation of the Highway network. The Highways Agency has requested that conditions be imposed in the form set out in Conditions 8 and 9. However the proposed works would be contained within the highway and the University has no control over the land and therefore could not ensure that the works would be commenced. I therefore consider the proposed conditions to be contrary to the advice in paragraphs 37 and 38 of Circular 11/95. I agree with CoYC that a 'Grampian' condition could be imposed and that such a condition would be reasonable having regard to the advice in paragraphs 39-41 of the Circular. However, as the Section 106 Agreement contains an undertaking by the developer to pay for the required works to be undertaken at the Grimston Bar Roundabout within the timescale required by the Highways Agency, the imposition of a condition is in my view unnecessary. Should the Secretary of State disagree with that view, I consider that a Grampian condition should be imposed in the form set out in CoYC supplementary proof of evidence (Doc 73).

Condition 10 relates to the implementation, monitoring and review of the Sustainable Travel Plan for the University and is appropriate and justified in the interests of sustainable development and highway safety

Condition 11 restricts the number of car parking spaces that may be developed and is appropriate and justified in order to limit the impact of traffic generated by the University.

Regarding condition 12, CoYC and HPC believe that parking assessments should be made on a street by street basis and not on the basis of the 13 areas identified on Plan 3 which is the University's preferred approach. While it is the view of Council members and local residents that remedial measures should be introduced if the volume of on-street parking on any particular street has altered by more than 20%, that view was not shared by the Council's highway witness who preferred the area approach. In my view, it would be inappropriate to undertake surveys on a street-by street basis, as on relatively short streets even a minor increase in parking could cause the 20% threshold to be exceeded and the introduction of restrictions could cause decanting onto adjoining streets. The condition does not, as suggested by HPC place the burden of proof on local residents to demonstrate that additional parking is due to University activities. I therefore consider the wording of the condition as set out in Doc 71 to be appropriate and justified.

Condition 13 relates to the preparation of a design brief and is appropriate and justified in the interests of securing a coherent development across the site. However, I consider that the wording of the condition would be strengthened by the substitution of the word 'consistent' for 'informed' in the final bullet point within the condition.

Condition 14 requires the preparation of Landscape Design Brief and is appropriate and justified in the interests of securing a coherent landscape scheme across the site.

Condition 15 requires the preparation of Landscape Management Plan and is appropriate and justified in the interests of securing a coherent landscaping scheme across the site.

Condition 16 relates to the preparation of a Construction Environmental Management Plan which is appropriate and justified in the interests of protecting the amenity of residential occupants in the vicinity of the site and future residents within the site. The term 'heavy goods vehicles' would include large construction vehicles.

Condition 17 relates to the preparation of an Environmental Site Management Plan and is appropriate and justified in order to protect the natural environment.

Conditions 18 and 19 are appropriate and justified in order to protect and provide access to water mains which cross or adjoin the application site. However, I consider that the words 'unless otherwise agreed in writing by the Local Planning Authority' should be deleted from the conditions. Such wording is contrary to the advice in Circular 11/95 in that it renders the condition imprecise and provide a means of circumventing the provisions of S73 of the 1990 Act (as amended).

Condition 20 seeks to protect existing public sewers and is appropriate and justified subject to the deletion of the words 'unless otherwise agreed in writing by the Local Planning Authority for the same reasons as stated above.

Conditions 21, 22, 24 and 25 all relate to the disposal of surface water. While I accept the need to protect the local water environment and control the rate of run-off from the site, I consider that the imposition of a single condition requiring the submission, approval and implementation of a sustainable urban drainage system would provide the degree of control requested by the Environment Agency and Yorkshire Water and be more consistent with current Government advice in PPG25. A suggested condition is set out in Appendix A. Such a condition would also ensure the implementation of a sustainable drainage system and allow issues relating to the drainage function of the proposed lake to be fully considered.

Condition 23 should be retained in the form set out in Doc71 as it relates specifically to the disposal of foul drainage.

Regarding condition 26, HPC considers that there should be a 55 dB Laeq (1 hour) limit in the gardens of dwellings adjoining the site as originally put forward by CoYC. Following discussions between the Council and University during the course of the Inquiry it was accepted by CoYC that a noise level of 70 dBA (1 hour) could be allowed for a limited period. I consider that limit to be appropriate given the need to carry out groundworks, piling, concreting and asphaltting works in locations where such works could cause the 55dB Laeq limit to be exceeded, albeit for short periods. I also consider that the word 'inaudible' should be removed from the condition as it is imprecise and that the phrase 'except by prior agreement with the Local Planning Authority' should be deleted since, as I have previously explained, such phrases are contrary to the advice in Circular 11/95. Subject to these amendments, I consider the condition to be appropriate and justified.

Condition 27 is appropriate and justified in order to protect residential occupiers from noise generated by machinery, plant and equipment installed within the proposed campus, subject to the deletion of the phrase 'unless otherwise agreed in writing with the Local Planning Authority' for the same reason as stated above.

Condition 28, which relates to temporary works materials storage or ancillary operations, is appropriate and justified in the interests of maintaining the visual amenity of the area, subject to the deletion of the words 'without the written consent of the Local Planning Authority' which in my view introduce an undesirable element of uncertainty into the policy contrary to the advice in Circular 11/95.

Conditions 29 and 30 are in my view unnecessary as the egress of water and loose materials on the highway and dilapidation of the highway are matters which would be covered by the Environmental Site Management Plan required under condition 16.

Condition 31 which relates to the routes to be followed by construction traffic is appropriate and justified in the interests of highway safety and the amenity of the occupiers of residential properties in the locality, subject to the deletion of the words 'unless otherwise agreed with the LPA' for the reasons I have previously explained in relation to similarly worded conditions.

Condition 32 is appropriate and justified for reasons of the visual appearance of the development on the site and in the interests of highway safety.

Condition 33, which relates to the preparation of an Archaeological Remains Management Plan is appropriate and justified given that the site is known to contain archaeological deposits.

Condition 34 concerning the re-routing of overhead power lines, is appropriate and justified in the interests of the visual appearance of the area.

Condition 35, which concerns the relationship of buildings with surrounding development, is appropriate and justified in the interests of securing a coherent development within the site.

Condition 36, which requires each reserved matters application to be accompanied by a statement on sustainability is appropriate and justified in the interests of achieving a sustainable development.

Condition 37 is unnecessary as the discharge of surface water from the development prior to the completion of the approved drainage system is a matter covered by the SUDs condition that I recommend be imposed in the event of planning condition being granted.

Condition 38 is unnecessary as the method of foul drainage is addressed in draft condition 21.

Condition 39, which relates to piling operations, is necessary and justified in the interests of residential amenity.

Conditions 40, 43 and 44 all relate to matters of ground contamination and are necessary and justified in the interests of public health and the protection of the wider environment.

Condition 41 restricts the types of vehicles that may use the western access to the application site from Field Lane. The condition is appropriate and justified in the interests of highway safety. In this case I consider that it is appropriate to allow the Local Planning Authority some discretion regarding the types of vehicles that may use the access as new types of public transport initiatives may well emerge in the future.

Regarding Condition 42, CoYC and HPC consider that condition should refer to a maximum provision of 150 car parking spaces, while the University favours a figure of 500 spaces. I consider a maximum limit of 150 spaces to be appropriate. A greater number of

spaces could undermine the early implementation of the peripheral parking strategy which is a key element of the University Transport Plan which seeks to limit the generation of vehicle movements associated with the University. The formation of a 500 space car park would allow a significant portion of the development to proceed contrary to the aim of achieving a car free campus. While the car park would be on the northern edge of the campus, it would be conveniently located for the principal facilities within the campus, including the swimming pool and fitness centre. I appreciate that it is the University's wish to facilitate community access to such facilities, however the provision of a substantial car park close to the centre of the campus would in my view encourage journeys by private car, contrary to the advice in PPG13. For reasons which I have explained in respect of other draft conditions, I also consider that the phrase 'unless otherwise agreed with the Local Planning Authority' should be deleted from the condition. Subject to these amendments, I consider the draft condition to be appropriate and justified in the interests of protecting the highway network.

614. While objectors have suggested further changes to the conditions and the imposition of additional conditions, I consider that the matters raised are either adequately addressed by the conditions which I recommend should be imposed in the event of planning permission being granted or that they relate to matters which are subject to other legislation.
615. The University and CoYC have entered into a Section 106 Agreement. That undertaking relates to the provision of student housing, vehicle routing, off-site parking measures, the Community Forum, public access to the external areas of the campus and sports facilities, an education contribution to primary and secondary schools, a financial contribution towards student noise initiatives, the paying of a sum towards a Conservation Area Appraisal and the funding of works at the Grimston Bar Roundabout.
616. While objectors have suggested amendments to the terms of the Agreement, as it has been signed and delivered, it is not possible for me to recommend changes to its contents. I have taken account of the representations made in arriving at my conclusions

CONCLUSIONS

617. The following conclusions are based on the evidence given at the inquiry, the written representations which I have received and my inspection of the site and its surroundings and other sites which were drawn to my attention. The numbers in square brackets refer to the relevant paragraph numbers in the preceding sections of the report on which my conclusions are based.

A. Whether the development which is the subject of the planning application is in accordance with the current and emerging development plan for the area, having particular regard to the adopted and deposit draft Structure Plans and the provisions of Regional Planning Guidance and the recently published draft revised Regional Planning Guidance (Regional Spatial Strategy)

618. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant parts of the development plan for the purposes of the applications are contained in the Regional Spatial Strategy (RSS) for Yorkshire and the Humber to 2016 based on the Selective Review of RPG12, published in December 2004 and the North Yorkshire County Structure Plan, Third Alteration, which was adopted in October 1996 (NYCSP).

619. The RSS policies that are of particular relevance are S1 – Applying Sustainable Development Principles, S3 – Urban and Rural Renaissance, S4 – Urban and Rural Design, Policy S5 – Climate Change, S6 – Sustainable Use of Physical Resources, P1 – Strategic Patterns of Development, P2 – Green Belts, , E1 – Town and City Centres, E3 – Provision of Employment Land, E4 – Employment Site Location, H2 – Sequential approach to the allocation of housing land; T1 - Land use and transport integration, T2 – Public transport accessibility, T3 – Personal transport, T5 – Regional demand transport strategy, T6 – Transport in main urban areas, T9 – Improvements to the highway network, SOC2 – Education, N1 – Biodiversity, N2 – Historic and cultural resources, N3 – Landscape character, N5 - Agriculture and environmental support measures for sustainable land management.

620. Structure Plan Policies E8 and E9 define the general extent of the Green Belt as one whose outer edge is about 9.6km from York city centre and set out the categories of development that are appropriate within the Green Belt. Policy Y1 seeks to diversify and grow the York economy encouraging, among other things, knowledge industries, including Science City and further developing and expanding the University, while protecting and enhancing the historic and environmental character of the City. The majority of development is to be focussed on the City. Other policies that are of relevance to the proposed development include: T2 – Public Transport, T3 – Public Transport Penetration of new development, T6 – Traffic Management, T9 - Parking, T10 - Cycling, T11 – Major development, A1 – Loss of Agricultural Land, A2 – Allocating Agricultural Land, A3 – Safeguarding Agricultural Land, R1 – Recreation and Leisure Facilities, R3 – Recreation and Leisure Facilities, R6 – Public Rights of Way, E2 – Development in Open Countryside, E4 – Protection of Historic Buildings and Townscape, E5 – Sites of Archaeological Importance, E7 – Pollution.

621. In my view, for reasons which I explain later in my conclusions, the proposal conforms to the Green Belt policies of the RSS and NYSP identified above. There is no dispute that the

development of a university campus is inappropriate development in the Green Belt. However, I am satisfied there are very special circumstances in this case that are sufficient to clearly outweigh the limited harm that would be caused to the purposes of the Green Belt [182, 296]. Those very special circumstances are primarily the educational, economic and social benefits that expansion of the University would bring to the City and the Region and the lack of alternative sites on which the required expansion could be accommodated.

622. RSS Policy SCO2 encourages the retention and development of education facilities in locations accessible by good public transport and in accordance with locational criteria established in policies P1 and T1. Heslington is linked to the City Centre by a frequent bus service. The two campuses would be linked by the proposed University Transport System and the proposed campus would adjoin the existing park and ride facility. As the proposal would be accessible by good public transport and would form an extension to the urban area it complies with the thrust of those policies. [222, 226, 227, 228]
623. Draft RSS was published for consultation purposes in December 2005 and was the subject of an EIP in 2006. As the strategy is in draft form only limited weight can be attached to its policies at present. The strategy recognises the emphasis to be placed on modern business in policy E1, the role of York in driving the sub regional economy, and that further development and expansion of York University is a Regionally Significant Investment Priority in Policy Y1F. In those respects the strategy supports the expansion of the University.
624. There is no adopted Local Plan for the City. The Council has decided not to take the Draft City of York Plan through the remaining stages of the statutory process leading to adoption. It has instead commenced works on new development plan documents (DPD) which will form part of the Local Development Framework (LDF). In the interim period the Council has approved the City of York Draft Local Plan Incorporating the Fourth Set of Changes (April 2005) for development control purposes. That version of the document has not been subject to public consultation. However, it does incorporate changes made by the Council following consultation on the proposed third set of changes published in 2003. [271]
625. The Draft Local Plan proposes that the application site be excluded from the Green Belt. Policy ED9 – University of York Campus allocates 65 ha of land to the south of Field Lane solely to meet the University's future expansion requirements. The development of the site is to be phased. Initially 35 ha of land is to be released to meet the University's short term need. The remaining 30 ha is only to be developed when the land released during the first phases is no longer adequate to meet growth requirements. Development of the site is to be restricted to University uses, ancillary uses that serve the University, Science City York (SCY) uses and other emerging knowledge-based clusters that are able to demonstrate that they need to be located on the new campus and student housing.
626. The proposal is consistent with the above policy in that the area within the overall application site within which built development may take place is limited to 65 ha and within that area the developed footprint shall not exceed 23%. The application does not propose that the land be released for development in phases. However, I consider that to be appropriate it is desirable to implement the strategic development landscaping early in the development process to protect the amenities of local residents and to mitigate the visual impact of the development. It is also necessary to provide the accesses and internal spine road which serve the whole site early in the development process. Similarly the formation of the lake and regrading of the site could not realistically be implemented in phases. [100]

627. However, given that the University campus is the subject of objection and the DLP has not been subject to scrutiny at a public inquiry, and given the Council's decision not to proceed to the adoption of the Local Plan, I consider that very little weight should be given to the DLP's policies for the site in the determination of the application.

B. The extent to which the proposed development is consistent with Planning Policy Statement 1: Delivering Sustainable Development and The Planning System General Principles with particular regard to:

i) the need for a development of this scale and location, taking account of the Government's objectives for Higher Education;

ii) protection and enhancement of the environment (paragraphs 17 and 18 of PPS1)

iii) advice on prematurity (paragraphs 17 and 18 of the General Principles, having regard to progress on York Local Plan/Local Development Framework; and

iv) whether the scheme would secure a high quality of design, and its effect on the character of the area, having regard to the advice in paragraphs 33 – 39 of PPS1.

(i) The need for the development

628. The University of York is currently one of the most successful Universities in England and is one of the leading Universities in the North of England. The University now has over 10,000 students but is the sixth smallest university in England. It has on average 9 applications for every undergraduate place. [62]

629. The University has evolved with the changing nature of higher education so that it is now at the forefront of university and business collaboration urged upon the higher education sector by central government.

630. There is a consistent history of the various plan making authorities from the East Riding of Yorkshire Council in 1967 to Selby District Council in the 1980's through to York City Council in the 1990's allocating land for University expansion to the south of Field Lane. When the University was first established it was recognised that it would in all probability need to expand in the future and that this would be best achieved by the creation of a new campus that would be close and physically linked to the original campus. The ultimate development was envisaged as a University area of around 202 ha (500 acres) with the village of Heslington in its centre. However, while I accept that the current proposals are consistent with the long established plans for the expansion of the area, that fact in itself does not justify granting planning permission, as the proposals must be considered in the light of the current circumstances and planning policy. [8, 61]

631. The University is currently set in an attractive landscaped campus setting with a substantial lake at its core. The campus was designed so that pedestrians have priority and all major facilities are located within a maximum of ten minutes walk across the new campus. I accept that the attractive nature of the campus, as well as the high academic reputation enjoyed by the University, is an important element in attracting and retaining high quality academic and other staff, undergraduates and research students. [59]

632. By virtue of its success the University has become a major growth generator within the York and regional economies. In 2005 it directly employed some 2,638 people, academic and non academic. In addition the level of indirect employment has been calculated at 0.8 jobs for each university job. It is estimated that the total local income gain, direct and indirect, from the University in 2005 was some £133m. It has developed successful business links with industry. It is a key partner with the City of York Council in the Science City York project, which is recognised as an exemplar of how Science Cities should develop. The Science Park at the University contributes additionally a further £31m to the local economy as at 2005 and provides in excess of some 850 jobs. Through its collaboration with business, the University is a key driver in the growth of the knowledge-based industries and high value employment, and as such supports the Government's vision for the future of the economy.
633. Space for further development on the existing campus at Heslington West has become increasingly limited with the expansion of the University over recent years. The extent of built development on the existing campus is constrained by the City of York 1999 Development Brief to a total developed footprint of 20% of the total campus area. New building heights are restricted so that they are contained within the mature tree canopy. Consequently buildings do not exceed 3 or 4 storeys in height. The current developed footprint is some 19.35%. [105, 106, 107]
634. The University had intended to promote its expansion plans for a new campus through the York Local Plan but the inquiry into that was firstly adjourned during 2000 and then abandoned in favour of pursuing a Local Development Framework (LDF) in April 2005. The University had carried out a strategic review during 2003 of what was needed to enable it to expand its existing departments and to develop new departments and concluded that its needs could not await the LDF process. The University anticipates that within the next 10 to 15 years it will have some 17,450 full and part time students.
635. The development proposed is substantial, and would provide some 266,000 sqm of floorspace within a 65 ha area. I am satisfied that the scale of development proposed in the outline application is necessary to give the University the ability to plan with certainty for its future, in the absence of a specific allocation for University development in the adopted development plan. It would enable the expansion of existing academic departments and the provision of new academic departments, allow for greater links with business embedded in the new campus, provide student residential accommodation, and additional recreational and cultural facilities which would be shared with the local community.
636. I accept that the proposed new campus is required in the proposed location, firstly, because there are no other suitable sites available and, secondly, because the location has sustainability advantages. Having the two campuses at Heslington, as opposed to the expanded University being located on various sites within the City, would avoid duplication of facilities and would avoid the inefficient use of time on the part of staff and students and unnecessary travel to and from various satellite sites.
637. The Government objectives for Higher Education as set out in the White Paper include those to widen participation, build on the existing strengths in research, to continue to deliver excellence in teaching and learning and to foster the relationships between higher education and business. The importance of the latter for Britain's economic well-being in a global knowledge based economy is expressly acknowledged in the Government Response to the Lambert Report on Business - University Collaboration.

638. The new departments to be established within the University include Theatre, Film and Television and Law. Such new departments would appeal to broader socio-economic groups than more traditional departments and so attract non-traditional university applicants [86]. I accept, for reasons which I explain later, that it is not possible to develop those departments within the Heslington West campus where many current departments are at capacity now and the scope for additional development is restricted. The new campus would also enable embedded business units to be incorporated within Heslington East so that close working relationships between the University and business of the sort advocated in the Education White Paper could be delivered.

639. Most parties accept the benefits that the University has brought to the City and the region and acknowledged the University's need to expand. Given the evidence of lack of space for existing departments to expand I also accept that development of the new facilities needs to commence in the near future. The main point at issue between the parties is how that expansion should be accommodated. It is suggested by some objectors that the growth in student numbers sought by the Government would be better accommodated at other universities in the region in areas more in need of regeneration. However, I can find no support in national educational policy for such an approach and the University proposals are supported in principle by HEFCE.

640. Doubts have also been raised about whether the Government's aim of achieving 50% participation among 18 to 30 year olds in higher education are realistic and achievable. It is not however the role of a planning inquiry to determine national education policy and I accept that the proposed development would contribute towards meeting the national target. Nor does the evidence suggest that the University would experience difficulty in recruiting additional students.

(ii) protection and enhancement of the environment and the advice in PPS1 paragraphs 17 and 18.

641. The advice in PPS1 seeks to protect and enhance the quality of the natural and historic environment, in both rural and urban areas. A high level of protection should be given to the most valued townscapes and landscapes

642. Clearly the existing arable farmland landscape of the application site with its open fields separated by ditches and hedgerows would change as a result of the proposed development. However, the site is not of particular landscape quality [285]. It would be replaced by buildings whose footprint would not exceed 23% of the 65 ha of land within the application area that is to be developed. Those buildings would be set within an extensive area of parkland. There would also be some earth modelling works to Kimberlow Hill following construction of the proposed lake. A parkland landscape with public access would be formed and I consider that overall, given the location of the site and its relationship to existing development in the area, the environment of the area would not be harmed by the proposed development.

(iii) prematurity

643. Objections to the proposal on the grounds of prematurity were first made when it was understood that the DLP would proceed to adoption. This is no longer the case. The emerging DPDs, which will form the LDF, are at an early stage and their preparation is already subject to slippage. It is unlikely that the core strategy will be adopted until 2008 or that any site allocations DPD will be adopted before 2009 [94]. In such circumstances, and having regard to the advice in paragraphs 17 -19 of PPS1, refusal on the grounds of

prematurity would seldom be justified because of the delay it would impose in determining the future use of land.

644. The application is for a university campus which is a specific and non-standard form of development. It is unlikely that similar proposals will come forward in York in the future. Granting planning permission in this case would not therefore predetermine the outcome of planning applications for different forms of development within the Green Belt, even on land adjoining the application site. For similar reasons I do not consider the undertaking of an Environmental Capacity Study as requested by English Heritage to be necessary or appropriate. The concept of such a study is not embodied in current national or regional policy. I consider the matter to be one which is more properly addressed through the LDF process and the Strategic Environmental Appraisal required as part of that process.

645. I am satisfied that the needs of the University are urgent and that it would be unreasonable and harmful to the future success of the University and the consequential benefits for the City and the region to delay a decision until the relevant DPDs have been adopted. In my view, the proposal would not have such a pre-determinative effect as to render it premature in terms of the advice in PPS1.

(iv) The quality of design and the effect of the development on the character of the area

646. As explained above, the character of the application site would be changed by the proposed development, although the overall character of the area would not be harmed. The design of buildings within the site is a matter for subsequent approval. Those buildings would have to be designed according to principles to be established within a masterplan which would have to be approved by the Council as part of an approved design brief under proposed condition 13. Consequently, I see no reason why the development should not achieve a high standard of design consistent with the advice from CABA which notes that good quality education requires good quality environments.

C. The extent to which the proposed development is consistent with Government Policies in Planning Policy Guidance Note 2: Green Belts, with particular regard to:

i) whether the proposed development is appropriate development within the Green Belt by reference to the guidance in paragraphs 3.1 – 3.4 and any relevant development plan policies and if it is inappropriate, whether very special circumstances exist which clearly outweigh the harm to the Green Belt caused by reason of inappropriateness and any other harm;

ii) whether the proposed development would conflict with the fundamental aim of Green Belt policy of preventing urban sprawl;

iii) the extent to which the scheme would be consistent with the purposes of including land in the Green Belt; and

iv) whether the proposed development would harm the visual amenities of the Green Belt by reason of its siting, materials or design.

(i) Whether the development is appropriate within the Green Belt and if not whether very special circumstances exist which justify allowing the proposal as an exception to the normal presumption against inappropriate development in the Green Belt

647. Policy E8 of the NYCSP defines the general extent of the North Yorkshire Green Belt and the RSS confirms that the detailed boundaries of the York Green Belt are yet to be finalised. The DLP does not include the site within the Green Belt, but for reasons given above, very limited weight should be given to its policies for the site.
648. In the absence of approved detailed boundaries, it is necessary to consider whether it is reasonable to treat the site as if it lies within the Green Belt. Both the University and CoYC accept that Green Belt policy should apply to the site. There is no doubt that the site lies within the general extent of the Green Belt as defined in the NYCSP. The detailed inner and outer edges of the Green Belt will in due course be defined as part of the LDF process. In the meantime, having regard to the specific circumstances of the site and its relationship to existing development, I see no reason to question its inclusion in the Green Belt.
649. As accepted by the University and the CoYC, the construction of a University Campus is inappropriate development within the Green Belt in terms of the advice in paragraph 3.4 of PPG2. Inappropriate development is by definition harmful to the Green Belt and, as paragraph 3.2 of the PPG2 indicates, it is necessary for the University to demonstrate that there are very special circumstances in this case that clearly outweigh the harm caused by reason of inappropriateness and any other harm. The very special circumstances that the University relies upon are:
- (i) an overriding case of educational need for the expansion of the current institution to enable the University to continue to develop its reputation from its current high starting point. It is argued that it is critical for the University to maintain the momentum that it has built to maintain its excellence. Otherwise as the Education White Paper points out 'the whole system would be under severe pressure and at serious risk of decline';
 - (ii) the economic benefits to York, the region and the country through the planned expansion of the University. There are anticipated to be a further 4,500 jobs created directly through the academic and Science City York activities proposed with a total local income gain of some £185m excluding any contribution during the construction phase of the project which is thought to generate an income gain of some £24m during that phase;
 - (iii) the absence of any suitable, viable or available alternative sites. An extensive search for alternative sites has been carried out based on criteria agreed with the City of York Council. The search confirms that there are no suitable, available or viable alternatives to the proposed site. Intensification of the existing campus at Heslington West has also been tested but it cannot accommodate the University's needs.
650. For reasons which I have previously explained, I accept that there is a compelling need for the University to expand. I also accept that the expansion would bring significant educational and economic benefits to the City and the region [37, 38, 43, 584, 585]. These are matters which weigh heavily in favour of the development. However, they are only capable of becoming very special circumstances if there are no suitable alternative means of accommodating the proposed development on land that is not located within the Green Belt. The outstanding issue therefore is whether the University's needs could be met on alternative sites and/or on development and redevelopment within the existing Heslington West campus.
651. There is little dispute that the existing campus could not accommodate all the development proposed by the University. The University uses its existing space effectively in comparison with other similar institutions [106, 107]. In fact certain departments need more space in which to accommodate their existing activities as well as additional space for their future

growth. Some 70% of the proposed growth will be via existing departments. The relocation of departments in the first phase of the development will free up space for expansion on the existing campus.

652. In order to accommodate the proposed floorspace on those parts of the existing campus that could reasonably be redeveloped, a footprint percentage of some 39% would be required, assuming most buildings would be 4-storeys [113, 114]. Such a density of development would significantly harm the character and appearance of the area. If the present footprint cap were to be retained, then buildings some 9 storeys high would be required, a solution which would also be visually unacceptable.
653. A more realistic scenario would be to retain the existing 20% footprint, which I consider to be important in terms of maintaining the attractive character of the campus and to maintain the setting of the neighbouring Conservation Area, and to maximise the amount of development that can take place on the campus by using multi-storey car parking and demolishing existing low rise buildings and replacing them with 4-story buildings. The campus could then accommodate some 25% of the whole development planned for Heslington East. [114]
654. However, in my view, the most realistic and acceptable scenario would be to develop the sites identified at Appendix 12 of Mr Street's evidence at an average of 3.5 storeys while retaining the 20% footprint. Such an approach would provide less than 12% of the accommodation required at Heslington East. [114]
655. It is clear from the above analysis that additional development sites would need to be available to accommodate the proposed development. A review of alternative sites was undertaken prior to the submission of the application. That review can be found at planning application document 6. In total 16 alternative sites were investigated within and outside York. A further analysis of the availability of brownfield sites was undertaken prior to the inquiry. [113]
656. There is no brownfield site within the City that could accommodate the 266,000 sq meter floorspace low density development as proposed at Heslington East. However, a low density approach would not be appropriate in a city centre context. The site known as York Central lies to the west of the railway station and houses a number of existing uses including the National Railway site. The site is in a highly accessible location and, as approximately 35ha of land will become available for development, it could potentially house the scale of development proposed by the University. However this is a key brownfield site within the City which is earmarked for a series of different uses as set out in the development brief for the site [134]. Sites would have to be identified elsewhere for those uses if the land were to be developed by the University. Furthermore there are severe development constraints at the site which mean that it is unlikely that redevelopment will commence until post 2011. In that respect the site does not address the University's urgent need for additional accommodation. Therefore, I do not consider the site to be a realistic alternative to development at Heslington East.
657. Nor do I consider Elvington Airfield to be an appropriate alternative site. Although it is a brownfield site it is located in the countryside some distance to the south of York. The site is not in an accessible location and, given its distance from the existing campus, its development could result in an unnecessary duplication of University facilities [145]. Reference was also made at the inquiry to the former Selby coalfield pit head facilities at Ricall and Stillingfleet. However, those sites are also in the countryside and even further removed from the University. As such they are not in sustainable locations.

658. There are a series of greenfield sites that could accommodate large scale development on the periphery of the City. A number of these sites are in the vicinity of Monks Cross and Clifton Moor. However, those sites are intended to provide mixed use developments and are not as such available for University related development. Smaller greenfield sites with planning consents would not provide the area required by the University. Furthermore, such sites are in private ownership and it is unlikely that University developments would realise the land values sought by the landowners [143]. Such sites cannot therefore be regarded as available.
659. Objectors suggest that elements of the development proposed at Heslington East could be disaggregated, thus allowing the proposed development to be accommodated on the existing campus and other smaller sites within the City. It is argued that certain of the proposed uses do not need to be included within the campus, notably the 25 ha allocated for SCY uses, the conference centre, the performing arts centre, the swimming pool and fitness facilities, student residences and ancillary offices and service uses.
660. I accept that there are very successful universities in this country which are not located on a single campus. However, they have developed in that way for historic reasons. York was conceived as a campus university and that business model has proved successful and is identified by HEFCE as contributing to the success of the University [591]. In order to continue that success for the benefit of the City and the region I am satisfied that the campus model should be maintained. I do not consider that the different elements of the proposed development should be regarded as separate entities that can readily be disaggregated. The proposed SCY developments are to be restricted to those businesses that need to have close access to University facilities and close contact with University staff. The conference facilities would be used for University purposes during term time. The performing arts centre would be related to the new department of theatre, film and television. It seems to me entirely appropriate to provide the sports and fitness facilities on campus where they would be readily accessible to students and staff. The proposed service uses form only a minor part of the development and would be related to University activities and provide for the needs of students and staff. Locating student accommodation away from the University is not in my view a sustainable option.
661. Furthermore, I am not convinced that sites are in fact available to enable disaggregation to take place even if it were desirable. It is suggested by objectors that consideration should have been given to the former Terry's factory site, which could have housed some of the proposed University development. However, as that site has recently been purchased by a developer, it is not available for University development [132]. Regarding other smaller sites within the City, there are competing demands for such sites from developments that would realise higher land values for their owners than a University development. During the course of the inquiry it was also announced that the British Sugar Factory may close. If that were to be the case, then the site would be considered in conjunction with the nearby York Central site and it is unlikely to become available until post 2011 [135]. There is also a possibility that land may be released with the Rowntree/Nestle complex. However, no details are available regarding the site at present and it cannot as such be regarded as available at the present time [136]. Therefore, even if disaggregation were considered to be desirable, no sites have been identified at the present time that are genuinely available or suitable to accommodate elements of the proposed development.
662. In conclusion, I consider that in combination, the educational need for the University to expand, the considerable economic benefits to the City and the region that would be derived from the expansion of the University and the absence of alternative sites are very special

circumstances when weighed against the harm caused to the purposes of the Green Belt and any other harm resulting from the development.

663. In addition the University relies upon a collection of benefits that mitigate the harm caused through inappropriate development within the Green Belt through: These include the provision of public access to the new campus; the provision of significant opportunities for sport and recreation to the public as a result of the development proposed; the enhancement of the landscape through the increased diversity of planting proposed near to where people live; and the provision of increased nature conservation interest. While I accept that such benefits weigh in favour of the proposed development, they do not in themselves add to the very special circumstances as similar arguments could be put forward for other forms of major development in the Green Belt, thus undermining the objectives of Green Belt policy.

(ii) whether the proposed development would conflict with the fundamental aim of Green Belt policy to prevent urban sprawl.

664. The fundamental purpose of Green Belt policy is to preserve openness. The proposals clearly conflict with that purpose. However, I do not consider that the development would result in urban sprawl in the generally accepted sense of the term. The development is for a higher education campus set within landscaped parkland and is not a form of development that is likely to be repeated in York. As stated previously, it would not set a precedent for other forms of inappropriate development within the Green Belt and it would be contained within clearly defined physical boundaries.

(iii) the extent to which the scheme would be consistent with the purposes of including land in the Green Belt.

665. The first of the five purposes of Green Belt set out in paragraph 1.5 of PPG2 is referred to above. So far as the other purposes are concerned, the proposal would not result in neighbouring towns merging with one another as the nearest settlement is some distance away.

666. There is clearly a conflict with the purpose of safeguarding the countryside from encroachment. However, for reasons which I explain later, the impact of the development on the character of the wider countryside would be limited.

667. The proposal does not conflict with the purpose of preserving the setting and special character of historic towns. The development would not interfere with long distance views of York Minster or harm the setting of York, given that a substantial swathe of Green Belt land would be retained between the A64 and the application site. Nor would the development intrude into any of the historic strays (green wedges) which are a significant feature of the City.

668. I do not consider that development of the site would constrain urban regeneration. As explained above, there is a limited supply of brownfield land within York for which there is considerable demand. A number of alternative uses have been identified for the principal sites and none of the land is suitable, available or viable for the University. Therefore, there is no conflict with this purpose.

D. The extent to which the proposed development would conflict with national planning policy on residential development as set out in Planning Policy Guidance Note 3 – Housing, with particular regard to:

i) whether an adequate sequential test has been applied properly and whether there is a need to release greenfield land for the purpose of providing student housing in York;

ii) the accessibility of jobs, shops and other services from the site by modes of transport other than the private car, and the potential for improving such accessibility;

iii) whether the proposed development would make the best use of land, taking into account its density, layout, design and the level of car parking provision, having regard to the advice in paragraphs 54 – 62 of PPG3;

iv) whether the development would represent good design having regard to the landscape of the locality;

(i) whether an adequate sequential test has been applied and whether there is a need to release greenfield land for the purpose of providing student housing in York.

669. PPG3 seeks to ensure that previously developed land or buildings for re-use and conversion are developed before greenfield sites. For reasons which I have already explained, I am satisfied that there are no suitable alternative brownfield sites on which the proposed campus could be developed. The University has developed on the basis of a collegiate system. While other universities may not be based on such a system, the collegiate approach has contributed to the success of the University of York and I consider it appropriate and desirable for the new campus to be developed in a similar manner. Even if sites were available elsewhere on which to develop student accommodation, I consider that it is more sustainable for students to live close to the majority of facilities that they will require, rather than being dispersed on sites elsewhere in the City. In my view, previously developed sites within the City are more appropriately reserved for general housing, employment and other developments of benefit to the wider community.

(ii) The accessibility of the site

670. As in the case of the existing campus, the new campus would be served by a frequent bus service and would also be linked to the City centre by footpath and cycle routes. Bus services also link the University to the railway station. The campus proposal encourages non-vehicular movement. It is proposed that all residential, academic, recreational and social facilities within the campus would be within a 10 minute journey time using the proposed University Transit System [222, 226]. The distance between the campuses on foot would be a relatively easy walk and a cycle route would also link the campuses. For these reasons, I am satisfied that the development would be accessible by a range of transport modes.

Making the best use of land

671. Paragraph 57 of PPG3 advises that local planning authorities should avoid the inefficient use of land. The residential element of the proposed development would be at a high density of some 366 habitable rooms per hectare and in that respect the proposal represents an efficient use of land [303]. It could be argued that restricting the building footprint to 23% of the developed area of the campus is not an efficient use. However, in my view, having regard to the location of the application site on the periphery of the urban area and the importance of maintaining the setting of the historic City and the setting of Heslington

Conservation Area and its listed buildings, University and the campus “model” a higher density of development within the campus would not be appropriate.

672. The proposed car parking provision at 1500 spaces is below the level that would be expected applying the standards of the local highway authority, PPG3 and PPG13 [305]. That reduced level of provision, as well as being a key element in the University Transport Plan, represents an efficient use of land.

(iv) The quality of the design

673. The advice in PPG3 encourages local planning authorities and developers to think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment. The design of the proposed development is a matter for subsequent approval. However, for reasons which I explain later, I am satisfied that a standard of design can be achieved on the application site which maintains the quality of the local environment and the setting of the City.

674. I therefore conclude that the proposal is consistent with the advice in PPG3. I also find the proposal to be consistent with the advice in PPS3 which was issued shortly before the close of the Inquiry.

675. However, other housing issues are of concern to local residents, in particular, the effect of the proposed increase in student numbers on the operation of the housing market and on residential amenity. The Studentification Report by Universities UK identifies the potential negative effects that the presence of significant numbers of students can have on local housing markets, the living conditions enjoyed by local residents and the quality of the residential environment. However, as the report recognises, it is a problem that affects most university towns and cities. The fear that ‘studentification’ may occur is not in itself sufficient justification to refuse planning permission. Clearly if that were the case then no significant expansion of higher education establishments would occur, thus undermining the objectives of national higher education policy.

676. Furthermore, York is a relatively small University and the proportion of students within the City is not high in comparison to other towns and cities which have larger student numbers and consequently where studentification issues may be more acute. In York students from all three higher education institutions comprise some 9.4% of the 183,000 resident population [218]. While I appreciate that student residences may be concentrated in certain parts of the City, any adverse effects that may occur should be weighed against the educational, economic, social, community and recreational benefits of University expansion which I have identified previously.

677. Some 43% of the current ‘full time equivalent’ (FTE) University students are housed by the University, largely on campus. There is an excess demand for residential places which cannot be met currently due to the limited space on Heslington West. Some 5,152 FTE students live in the community of whom about 9% live at home. That means that under 3% of the population of York residents are full time students living in the community. The University monitors where its students live in York and say there is no ward which has more than 20% of its households taken by students, although that figure is disputed by residents and it may be higher in certain neighbourhoods. [218]

678. The suggestion that the purchase of houses to be used as student lets has caused a significant increase in house prices is not supported by the findings of the York Housing Market Assessment. While there may be a shortage of housing for sale and rent within the City, the key drivers of house prices have been identified as incoming households with good

incomes and retirees [578]. The most pressing need would appear to be for more social housing, a form of accommodation that is not generally occupied by students

679. However, in my view, the key factor in respect of this issue is that the proposal would provide up to 6 new colleges which could accommodate up to 3,600 students. This should be sufficient to enable all additional students who wish to live in residential accommodation to do so. Furthermore, under the terms of the Section 106 Agreement the University undertakes to meet the demand for accommodation from all full-time non-home based students, subject to the caveat that it is economically prudent to do so [215]. That requirement addresses the concern that the University may have underestimated student numbers and the demand for accommodation. Consequently, there should be no significant change to the current position in terms of demand for off-site student accommodation. A requirement that all students should reside in University accommodation would go beyond what can reasonably be required under planning legislation.

680. Regarding the issue of student behaviour, the University has participated in a series of meetings with village representatives to discuss issues of concern through the Village Liaison Group and the Good Neighbours Group. The 'SSSH' campaign is a product of liaison between the University and the community and appears to have reduced the incidence of anti-social behaviour by students [219]. A significant area of concern appears to relate to noise and disturbance created by students returning to their residences. However, the illustrative design for the proposed campus indicates that no student accommodation would be located close to domestic residences, unlike the situation at Halifax College which was referred to by objectors.

681. For these reasons I conclude that the proposed new campus should not significantly alter any adverse effects that the local community may experience as a result of the presence of the University.

E. The extent to which the proposal is consistent with national planning policy for industrial and commercial development as set out in Planning Policy Guidance Note 4: Industrial, Commercial Development and Small Firms, with particular regard to :

i) balancing the locational requirements of business with wider environmental and social objectives;

ii) maximising the use of previously developed land in sustainable locations for all forms of built development; and

iii) encouraging development in accessible locations.

(i) Balancing the locational demands for business with wider environmental and social objectives.

682. PPG4 emphasises that development control should not place unjustifiable obstacles in the way of development which is necessary to provide homes and jobs, or to meet wider national objectives. Nevertheless, planning decisions must reconcile necessary development with environmental protection and other development plan policies.

683. The employment element of the proposed development is intended to be highly specialised and integrated with the activities of the University. In my view, it should be regarded as part of the expanded role of the modern university as recognised in higher education policy.

Universities are now recognised as driving the growth of the knowledge-based economy. [45, 150, 152]. The current RES to 2012 (UCD9(a)) identifies the region's universities as being at the heart of economic development activity in Yorkshire and Humberside. The emerging RES to 2015 (UCD 9 (b)) also recognises that expanding universities in the region will be of benefit.

684. Under the terms of proposed condition 5, the overriding requirement is that development on the site must be restricted to 'University uses'. Such uses would include knowledge based businesses, including SCY uses. Such businesses would have to demonstrate a need to be located on the site in order to comply with the terms of the condition which would, in my view, preclude the development of a '25 ha business park' as feared by some objectors. It has been suggested that the condition should be re-worded to refer to the intellectual property rights of the University. However, such an approach could be unduly restrictive and limit the development of appropriate links between the University and business as advocated by the Government. Concerns have also been expressed that references in the condition to 'uses ancillary to the University' and 'support services' are vague and could allow development on the campus that would be more appropriately located elsewhere in office developments and on business parks elsewhere in the City. Such businesses would have to demonstrate a genuine need to be located on the campus in order to comply with the terms of the condition. Whether a particular business would comply with that requirement would be a matter of fact and degree. Consequently, I am satisfied that the business element of the proposal need not result in the development of a conventional business park or allow the wide range of uses that can currently be seen at the existing science park, some of which are clearly unrelated to the University's activities. Other forms of SCY uses could be accommodated on land elsewhere in York allocated for such uses.

685. On the basis of the submitted evidence, I am satisfied that proposed condition 5 is robust, precise and enforceable and that it complies with the tests in Circular 11/95. I also consider the setting aside of up to 25ha of land for scientific research type uses to be reasonable and that it is essential for such uses to be located on the proposed campus.

(ii) maximising the use of previously developed land in sustainable locations

686. As explained above, the employment uses proposed are not ones that could be located other than within the new campus if the benefits of knowledge transfer are to be fully realised. As the proposed SCY type uses need to be co-located within the University, it follows that they could not be built on previously developed land. The development would not therefore undermine the Government's objective of seeking to maximise the use of previously developed land in sustainable locations.

(iii) Encouraging development in accessible locations

687. As previously explained, a frequent bus service serves the area. In addition, the site is close to the Grimston Bar park and ride facility which also provides a bus link with the City Centre. The site would be linked to the Heslington West campus by the proposed University transit system. I therefore consider the site to be in an accessible location.

688. I therefore conclude that the development conforms with the advice in PPG4.

F. The extent to which the proposed development is consistent with Government policies and principles in Planning Policy Statement 6: Planning for Town Centres, particularly whether it has been demonstrated that an adequate and flexible sequential approach has been applied to selecting the location of the proposed development, taking into account the

scale and format of the development, car parking provision and the scope for disaggregation and the advice in paragraphs 3.13 – 3.19 of PPS6.

689. The starting point for the consideration of this issue is the extent to which a campus University can be considered a town centre use. It does not appear amongst the list of main town centre uses set out in paragraph 1.8 of PPS6 nor does any educational use. Therefore, in my view, the guidance is of limited relevance to the proposal.

690. Regarding the proposed retail facilities, the facilities brief indicates that only some 500 sqm of floor space would be provided within the campus, primarily to serve the student population. In my view that provision should be regarded as a local shopping facility in terms of the advice in PPS6. The limited office provision, which would be subject to the requirements of proposed condition 5, should also be regarded as a local service provided primarily for the needs of the University.

691. Nevertheless there are elements of the proposal that could be regarded as town centre uses, notably the conference centre, performing arts centre and the swimming pool and indoor fitness centre. Paragraph 3.16 of PPS6 recognises that in applying the sequential approach to site selection, decision makers should be realistic in considering whether sites are suitable, viable and available and should take into account any genuine difficulties which are likely to occur in operating the applicant's business model from the sequentially preferable site. The University has been successful to date by adhering to its own business model, which is to concentrate all facilities together on the campus at the edge of town, with the exception of Kings Manor which houses the Archaeology department and the Centre for 18th Century Studies [129]. I have previously concluded that no alternative sites are available for the proposed campus. On the basis of the submitted evidence, I am satisfied that substantial operational difficulties would occur for the University should the various elements of the proposed campus be disaggregated if suitable and available sites could be found. However, as I have previously explained, the evidence suggests that no such sites are currently available because of competing development pressures.

692. In so far as PPS6 applies to the proposed development, I conclude that the proposal would not undermine the objectives of national planning policy.

G. The extent to which the proposed development is consistent with Government policies in Planning Policy Statement 7: Sustainable Development in Rural Areas with particular regard to:

i) key principles on siting, location, accessibility and design (paragraph 1(i) – (iv));

ii) ensuring that the quality and character of the wider countryside is protected and, where possible enhanced (paragraph 15);

iii) recognising the importance of the countryside around all urban areas, to those who live or work there, and also in providing the nearest and most accessible countryside to urban residents. Securing environmental improvements and maximising a range of beneficial uses of this land, whilst reducing potential conflicts between neighbouring land uses (paragraph 26);

693. PPS7 sets out the Government's policies that apply to development in rural areas, including country towns and villages and the wider largely undeveloped countryside up to the fringes of large urban areas. The key principles set out in the guidance include that decisions on

development proposals should be based on sustainable principles, accessibility should be a key consideration in all development decisions, new building in the open countryside away from existing settlements, or outside areas allocated for development in development plans should be strictly controlled and priority should be given to the development of brownfield sites in preference to greenfield sites, except in cases where there are no brownfield sites available, or those brownfield sites perform so poorly in terms of sustainability considerations in comparison with greenfield sites.

694. For reason which I have already explained, I consider that there are very special circumstances which justify allowing the development as an exception to normal presumption against development in the Green Belt. Those circumstances also justify allowing the proposal as an exception to the strict policy control over development in the open countryside. I am also satisfied that there are no alternative brownfield sites in more sustainable locations that are available and suitable for the development proposed.
695. The application site is in an accessible location in terms of the advice in PPS7 which recommends that most developments which are likely to generate large numbers of trips should be located in or next to towns, that are accessible by public transport, walking or cycling. The development would also promote social inclusion by improving access to higher education and would help to maintain high and stable levels of economic growth in the region.
696. Subject to appropriate design of buildings and landscaping, which are reserved matters within the Council's control, the development should not have an adverse impact on the quality and character of the wider countryside. The application site is of no special landscape quality as it comprises arable fields separated by low maintained hedges and sporadic trees. From the countryside to the south it is also seen in the context of the existing development along Field Lane and in the vicinity of The Crescent. The height of buildings within the developed part of the campus is to be restricted and that development would be set within an extensive area of parkland and playing fields, to which the public would have access. Consequently, I consider that the quality and character of the wider countryside within the area would be maintained.
697. The application site comprises mainly well-drained high quality grade 2 and 3a agricultural land. The presence of the best and most versatile agricultural land should be taken into account alongside other sustainability considerations when determining planning applications. PPS7 also advises that where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of higher quality, except where this would be inconsistent with other sustainability considerations.
698. In this case, the possibility of developing the proposed campus on land of lower quality was not investigated. However, developing on land of lower quality would require the campuses to be split. I consider that there are significant benefits both in terms of the efficient operation of the University and in terms of reducing the need to travel in having the campuses co-located at Heslington. I also note that DEFRA has not objected to the proposal.
699. The loss of high quality agricultural land is regrettable as is the impact that the loss of that land would have on farms in the area. Four farms would be affected to varying degrees. However, there would only be a significant effect on the operation of one farm, namely Lime Tree Farm, the last working farm within Heslington Village. The farm consists of some 125 ha of land in total at the present time. It would therefore be reduced in size

considerably by the proposed development. However, some 29 ha of land would remain attached to Lime Tree Farm, although I accept that the land concerned does not appear to be as well drained as that at the application site. In addition, Mr Hawkswell is able to farm land at Thixendale Farm. I accept that the land at Thixendale would not compensate adequately for the loss of the land at Heslington, in that it is over lower quality and located a considerable distance from Lime Tree Farm. Furthermore, the land is held on a farm business tenancy rather than an Agricultural Act tenancy and Mr Hawkswell would not enjoy the same level of security that he does at present. No replacement land is available in the Heslington area at the present time. However, while I sympathise with Mr Hawkswell's position, the evidence indicates that Lime Tree Farm could remain as a working farm, albeit with some changes in agricultural practices and the harm that would result from the loss of high quality agricultural land does not outweigh the benefits of the proposed development for the City and the region. [210, 211, 531, 532]

700. In conclusion, I do not consider that the proposed development undermines the objectives of PPG7 having regard to the fact that alternative sites in more sustainable locations are not available.

H. The extent to which the proposed development would conflict with national planning policy on biodiversity and geological conservation set out in Planning Policy Statement 9 in particular:

i) the extent to which the development is likely to have an impact on biodiversity and geology;

ii) whether or not there is likely to be any impact on European protected species listed in the Habitats Directive;

iii) whether there is likely to be any impact on species protected under the Wildlife and Countryside Act 1981 and any other legislation;

iv) whether or not there is likely to be any impact on any site of national, regional or local biodiversity and geological interest.

701. PPS9 explains that planning decisions should aim to maintain and enhance, restore or add to biodiversity and geological conservation interests. Decision makers should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species and to biodiversity and geological interests within the wider environment.

702. The application site is not identified as being of a Site of Special Scientific Interest, a Geological Conservation Site or a Regionally Important Geological and Geomorphological Site. There are no geological exposures on the site and the development would not have an adverse impact on the local geology. [250, 316]

703. The site is mostly arable farmland with field boundaries, including hedgerows, ditches and some mature trees. Similar farmland habitat can be seen to the south and east of the site. Ecological investigations of the site have been undertaken as explained in Mr Coleman's proof of evidence. It is intended to create areas of biodiversity within the site including areas of wetland, species rich grassland and native woodland, and the boundary of the site would consist of new and retained ancient and/or species rich hedgerows. [250, 315]

704. I accept from the submitted evidence that a variety of bird species visit the site [250, 536]. The proposed development would have some negative impact on species that thrive on open agricultural land. Those species include Corn Bunting, Grey Partridge and Skylark. Golden Plover have also been seen on the site, as have Brown Hares. However, the habitats created as part of the development would benefit other species such as Bullfinch, Linnet, Reed Bunting, Song Thrush, Spotted Flycatcher, Barn Owls and Kindfishers and Pipistrelle, Brown Long-eared, Daubenton's and Noctule Bats. Eutrophic standing water, lowland meadow and lowland mixed deciduous woodland habitats would also be created.
705. There would be no negative impacts on any site of international, national or local biodiversity interest and no negative impacts on any species listed as specifically protected under the Habitats Directive and the Wildlife and Countryside Act 1981. I therefore find the proposal to be in conformity with the advice in PPS9.

I. The extent which the proposal would conflict with national planning policy on transport as set out in Planning Policy Guidance Note 13, in particular:

- i) the need to locate development in a way which helps to: promote more sustainable transport choices; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and reduce the need to travel, especially by car;**
- ii) whether the proposal complies with local car parking standards and the advice in paragraphs 52 – 56 of PPG13;**

706. The objectives of the guidance in PPG13 are to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by private car. PPS1 and the RSS also promote development in locations accessible by public transport. That approach is supported by the policies of the NYCSP. Higher education establishments are identified in PPG13 as major generators of travel and should be located so as to maximise their accessibility to public transport, walking and cycling.
707. The site is not in an intrinsically sustainable location in so far as it is located on the southern edge of the City. However, the existing campus is served by a frequent bus services from the City centre, from where connections can be made to the rail network, and the application site adjoins the Grimston Bar Park and Ride site, from where there are also public transport links to the City centre [227]. Nevertheless, having regard to the location of the application site, I have no doubt that many people would choose to travel by private car to the new campus if they were able to do so. However, for reasons which I have previously explained, there are no available alternative sites in more accessible locations on which the proposed development could reasonably be accommodated. The combination of uses within one extended University campus would also reduce the need to travel compared with the situation if the proposed new university facilities were to be located on a number of sites within the City.
708. Many of the highways connecting to the application site and junctions within the local highway network are operating at or close to practical capacity levels. The proposed development has the potential to significantly increase peak hour traffic. Furthermore, applications for large residential developments at Germany Beck and Derwenthorpe in the same sector of the City as the University are also under consideration and have been the

subject of a recent public inquiry. If all the developments were to proceed, key parts of the network could become significantly overloaded. [318, 321]

709. There is therefore a need to introduce measures to limit use of the private car as a means of travelling to and from the University. The University already has a good track record of limiting vehicle demand through its Sustainable Travel Plan [223]. The Plan, which has been in operation since 2000, restricts on-campus parking to 1520 spaces. This coupled with additional cycling facilities and bus services has allowed the number of students and staff to increase by some 16%, while over the same period traffic has only grown by some 0.5% .
710. It is the intention that when developed, the Heslington West and East campuses would be operated as a single campus sharing common highway accesses, pedestrian, cycle and public transport routes. It is proposed that an internal University transport system (UTS) be provided. The system would connect with all the main parking areas within the combined campus. The combination of different land uses within the University would ensure that all its amenities are accessible to those who want to walk, cycle or use the proposed UTS [225]. There are also cycleways and footpath links from the University to the City Centre.
711. There is predicted to be an increase in staff and student numbers of some 75%. However, the increase in peak hour trips generated by the University is predicted to be in the order of 25%. As a result, on the approach roads to the proposed campus, the overall increase in traffic would be some 6% over 2004 levels, subject to the implementation of the proposed restricted parking arrangements, the UTS and other initiatives within the Sustainable Travel Plan. Traffic flows on local roads around Heslington and Badger Hill are estimated to reduce by some 23% compared with traffic levels in 2004 as a consequence of the overall transport strategy. The proposed maximum provision of 1500 of car parking spaces is well within the maximum standards set nationally and locally. Local parking standards would require some 3,288 car parking spaces whereas national parking standards would require some 2,560 [224, 225, 226, 321]. As paragraph 49 of PPG13 explains, the availability of car parking has a major influence on the means of transport that people choose for their journeys. On the basis of the submitted evidence, I am satisfied that the proposed development would not significantly alter current conditions on the local highway network.
712. The proposed line of the link road between Field Lane and Innovation Way is the subject of objection, although most objectors do not object in principle to the provision of a link road should permission be granted for the new campus. The University Transport Strategy seeks to minimise vehicular traffic through Heslington village. This is as advocated in the Heslington Village Design Statement. The link road would remove noise, fumes and visual pollution from the south and west of the Church, from Main Street and in front of Heslington Hall.
713. Objectors oppose the line of the link road across Dean's Acre. The impact of a road on the character and appearance of the Conservation Area and the setting of Heslington Church is a matter I consider below. In terms of highway design matters, if the link road is to serve its intended purpose and realise the benefits referred to above, it needs to be attractive to potential users. Consequently it should be as direct as possible and should create the minimum disruption to free movement, so as to be seen as convenient [324, 325]. In my view, the alternative alignments suggested by HPC and others, notwithstanding the highway safety concerns regarding the alternatives in terms of forward visibility, would not be seen to be as attractive a route to drivers. In addition, I consider that the scheme suggested by HPC would have a greater impact on the belt of mature trees subject to a Tree Preservation Order that lies on the northern boundary of Dean's Acre and separates the

Church and its surroundings from buildings within the Science Park. Consequently, on balance, I consider that the road line suggested by the University is to be preferred.

714. Some objectors question the accuracy of the estimated traffic flows and fear that actual flows and consequent congestion would be greater than predicted. I accept that traffic queues on Hull Road and Field Lane may at times be greater than those identified in the University's assessments. However, the predicted flows were derived using established techniques and I see no reason to question their general accuracy. Nevertheless, if the predictions should prove to be optimistic, a range of measures are proposed by means of planning conditions and through the S106 Agreement which would prevent the development proceeding further without direct action by the University to ensure that the actual highway conditions are as predicted at the time outline planning permission was granted. In other words, approval of reserved matters could be withheld until such time as the necessary action was taken to reduce traffic flows. I consider this to be an appropriate approach given the changes that will inevitably take place in transport modes over the next 15 to 20 years and the uncertainty regarding traffic volumes and flows in the longer term. Furthermore, given the nature of the highway network within York, it would be physically difficult and undesirable in terms of the preserving the historic character of the City to seek to increase highway capacity by widening existing roads. The most sustainable approach therefore is to seek to minimise traffic generation as proposed by the University.
715. Some objectors also doubt the University's ability to deliver its Green Transport Plan (GTP) and hence restrict traffic generation. For the reasons explained above, I consider such concerns to be unfounded, as the GTP must be delivered or successive stages of the development would not receive approval, having regard to the conditions which I suggest should be imposed on the outline planning permission and the terms of the S106 Agreement.
716. Objection is also made to the proposed site access from Field Lane. It is proposed that vehicular access to site should be from that new access and from an access at Grimston Bar which would be shared with the park and ride facility. The access at the western end of the campus would only be used by the UTS and emergency vehicles. The Field Lane access would be used by service vehicles and would serve a car park. The University would like that car park to accommodate 500 vehicles. It is considered necessary to have a car park of that size to serve the proposed performing arts centre, conference centre and the proposed swimming pool and fitness centre. Convenient car parking is seen by the University as essential to the success of those facilities. However, I share the Council's view that the car park should be restricted to 150 spaces. Part of the strategy of the GTP is to locate the principal car parks on the periphery of the campus so that they would intercept drivers as they approach the campuses. Movement within and between campuses should then be on foot, by cycle or by means of the UTS. A large central car park within the new campus could encourage use of private cars and undermine the objectives of the GTP. Given the limited use of the Field Lane access, I do not consider that its development would cause significant harm to the living conditions of residents of the properties on Field Lane or significantly interfere with the flow of traffic on that road.
717. The Field Lane access would also be used by construction traffic. For reasons that I explain later, I consider that with appropriate mitigation measures, which could be the subject of conditions, noise and vibration from construction traffic need not cause unacceptable harm to the living conditions of residents. I do not consider that that the campus should be served solely from the Grimston Bar access. It would not be in the interests of highway safety for large construction vehicles to be in proximity to the private cars and pedestrians at the park

and ride facility. I also consider it desirable for service vehicles to have direct access to the campus other than by the central spine road and for there to be disabled parking located close to the principal facilities within the campus.

718. Some objectors consider that access to the site should be from the A64. However, it is desirable in highway safety terms to limit the number of direct accesses to strategic routes on the core network as PPG13 explains and an access from the A64 would in my view be unacceptable in highway safety terms.

719. Residents are also concerned that the restriction of car parking within the campus could encourage parking to take place within Heslington Village and Badger Hill. There is some dispute between residents and the CoYC as to the degree to which existing on-street parking within Heslington is generated by the University. However, the current level of on-street parking is not a justification for withholding planning permission for the proposed development. The suggested conditions require that regular surveys be undertaken of on-street parking within defined zones within Heslington and Badger Hill and should on-street parking increase by more than 20% within a particular zone, residents only parking areas would be introduced [231]. It was conformed at the inquiry, that the costs of that scheme would be met by the University and that local residents would not be charged for permits should such a scheme be introduced. The threshold figure is in my view appropriate having regard to the evidence presented regarding existing fluctuations in on-street parking levels. The methodology and timing of surveys would be within the control of the Local Planning Authority. I do not consider that the surveys should be undertaken on a street by street basis. If that were to be the case, in certain streets even a small increase in the actual number of vehicles parking on the highway could exceed the threshold and result in unnecessary parking restrictions being implemented. Furthermore, the introduction of parking restrictions on a single street could well result in parking being displaced to adjoining streets. I am satisfied that overspill car parking could be controlled through planning conditions and the undertaking contained within the S106 Agreement.

720. In conclusion, I consider that overall the proposed development complies with the objectives of the guidance in PPG13.

721. Regarding detailed highway matters on the local network in the vicinity of the site concerns have been expressed about the ability of the large vehicles to negotiate the proposed revised junction between Main Street South and Field Lane. Turning movements into Main Street South from Field Lane South would be unaffected by the highway changes as would turning from Main Street South to Main Street West. I consider that there would be adequate space for right turning vehicles from Main Street South to enter Field Lane and for vehicles to turn right from Main Street West into Main Street South. Consequently, I am satisfied that the proposed works need not be detrimental to highway safety.

722. It is also suggested that development could result in the closure of Main Street West to through traffic. However, such works do not form part of the proposed development, nor in my view would they be required as a consequence of the development.

J. The extent to which the proposed development is consistent with advice in Planning Policy Guidance Note 15: Planning and the Historic Environment, in particular:

- i) the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses: and**

ii) the desirability of preserving or enhancing the character or appearance of conservation areas;

723. There is a statutory requirement when considering applications for planning permission which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. Potentially, the settings of two buildings are affected by the proposed development. They are Heslington Hall which is listed as Grade 2* and Heslington Church which is a Grade 2 building. The setting of Heslington Hall is currently affected by the traffic and signage associated with the University Road gyratory system immediately in front of it. The proposals would enable the traffic to be drawn back from the front of the Hall. The part of the highway currently being used by vehicles would be used by cycles and pedestrians only. Instead of the gyratory there would be T junction between University Road and Field Lane. That would enable the current clutter of signage at the gyratory junction to be simplified and thus allow environmental improvements in front of the Hall to enhance both the setting of the Hall and the Conservation Area.
724. Regarding Heslington Church, it is proposed that a new route be constructed across a paddock known as Deans Acre to the rear of the Church. The road would have an adverse impact on the setting of the Church and the character and appearance of the Conservation area, a matter which I consider in greater detail below.
725. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. The desirability of preserving or enhancing the area should also be a material consideration in the handling of development proposals which are outside the conservation area but would affect its setting or views into or out of the area.
726. The Conservation Area is centred on Main Street South and Main Street West. This area retains much of its historic appearance and the character of an agricultural village. The roads are lined with small-scale attractive buildings and mature trees and there is a sense of enclosure. The character and appearance of this area would be unaffected by the proposed development given the distance between Main Street and the area of the application site which would be developed, the presence of intervening buildings and the proposed landscaped buffer within the site.
727. The north-eastern section of the Conservation Area is different in character. This area, which has Heslington Church as its focal point, is more open in character and is also more influenced by the modern buildings within the University campus. The proposal includes the construction of a new link road between the junction of Field Lane with Innovation Close. The road would cut across the open ground at Dean's Acre and through a belt of mature trees which separates Dean's Acre from Innovation Close and the Science Park. The road would pass within some 16m of the Church Yard wall. Trees within the tree belt are protected by a Tree Preservation Order (ref TB15/1986). Fifteen trees would need to be removed to accommodate the road. The line of the proposed road was amended following submission of the application to reduce its visual impact. Nevertheless, I consider that the change in the character of Dean's Acre, the loss of mature trees and the proximity of the road with its associated vehicles and street lighting to the Church, would have an adverse effect on the setting of the listed building and would detract from the character and appearance of the area. The road would also harm views from within the Church. In that respect the character and appearance of the Conservation Area would not be maintained.

728. However, I note that the village design statement does not include Dean's Acre within the areas of open space within the Conservation Area that are considered to be 'valued open spaces'. The open land between the Church and University Road is identified as such a space. Currently it is separated from the core of the Conservation Area by the twin carriageways of University Road. The reduction of University Road to a single carriageway road would serve to reduce that sense of separation. In that respect the proposal would enhance the character and appearance of the Conservation Area, as well as the setting of the Church when viewed from Main Street and the setting of Heslington Hall. While three mature trees would have to be removed to implement the changes to the University Road/Field Lane/Main Street junction, I do not consider the loss of those trees to be visually significant, having regard to the presence of other substantial trees in the immediate vicinity and the scope for additional planting following the proposed highway alterations.
729. Objectors have referred to the presence of a covenant restricting development on Dean's Acre. However, the granting of planning permission for the proposed development would not affect the terms of the covenant and its existence does not affect the planning considerations in this case.
730. Between the western end of the proposed developed area of the campus and the eastern edge of the Conservation Area there would be a substantial landscaped buffer zone. Consequently, none of the buildings within the campus would be close to the western boundary of the Conservation Area. The proposed height restrictions set out in application plan C (ii) and the proposed structural landscaping on the periphery of the development should ensure that the proposed buildings, when viewed from the eastern edges of the Conservation Area would be seen through vegetation within a landscaped setting. As such they should not appear over prominent to the detriment of views out of the Conservation Area. In that respect the proposal cannot be compared to the modern developments at Halifax College and Wentworth College which are located close to the boundaries of their respective sites, thus limiting the opportunities to establish effective landscape screens.
731. Regarding the setting of Heslington Village and views into the Conservation Area, the village currently adjoins agricultural land to the south and east while to the west there are extensive areas of playing fields and Fulford Golf course. Those areas contribute to the rural feel of the area. The proposed development will clearly have an impact on the setting of the eastern edge of the village. However, views across the site from Low Lane, Field Lane and the A64 towards the village are already influenced by the housing within the modern Badger Hill Estate and the mid-twentieth century housing in the Crescent. Furthermore, the buildings within the Conservation Area are largely screened from view when observed across the site. The proposed buildings within the campus, the design of which would be a matter for future approval, would be largely contained within their own landscape setting. Views into the Conservation Area along Field Lane would be contained by the structural landscaping on the northern boundary of the application site. Consequently, while the character of the site would change from that of open farmland to a University campus set within open parkland, I do not consider that the setting of the Conservation Area would be materially harmed and as such it would be preserved.
732. Having regard to the topography and the restrictions to be placed on the height of buildings within the campus, the proposed development would have no impact on views of The Minster. In terms of the setting of the City when seen from the A64, the houses within Badger Hill already intrude onto the skyline. While the area of open land between the A64 and the developed edge of York would be reduced if the development were to proceed, a

substantial area of Green Belt would be retained between the road and Low Lane. Furthermore, Low Lane would provide a clearly defined and obvious limit to development.

733. On balance, while some elements of the proposed development would have an adverse effect on the setting of the Church and the character and appearance of the Conservation Area, the area would benefit from the enhancement of the setting of Heslington Hall, and the reduction in the width of and the flow of traffic on University Road. On balance I consider that the overall effect on the character and appearance of the area and the setting of its listed buildings would be neutral and in that respect the character and appearance of the area would therefore be preserved. The development is therefore consistent with the advice in PPG15.

K. The extent to which the proposed development is consistent with the advice in Planning Policy Guidance Note 16: Archaeology and Planning, with particular regard to:

i) the adequacy of any assessment and field evaluation to determine the character and extent of the archaeological remains and the options for minimising or avoiding damage;

ii) having regard to the assessment and field evaluation, whether the physical preservation in situ of archaeological remains is justified, taking into account the presumption in favour of the physical preservation of nationally important archaeological remains and their settings: and

iii) where the physical preservation in situ of archaeological remains is not considered justified in the circumstances of the case and development resulting in the destruction of archaeological remains should proceed, whether appropriate and satisfactory provision can be made for the excavation and recording of remains.

734. An adequate archaeological investigation has been made of the site. The survey demonstrates that most of the archaeological remains could be preserved in situ. Where foundations and other groundworks would impact on archaeological remains a programme of excavation and recording would be undertaken. The submission of an Archaeological Remains Management Plan governing such works could be secured by condition. The historic value of the hedgerows on the site has also been investigated. Many of the original boundaries have been lost and the development of the site need not have an adverse effect on historic hedgerows. In conclusion, the development need not have an adverse impact on archaeological remains subject to appropriate mitigation measures being implemented and the proposal therefore complies with the advice in PPG16. [254]

L. The extent to which the proposed development is consistent with the advice in Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation, with particular regard to: whether or not any assessment of the needs of the local area has been undertaken and specific needs and quantitative or qualitative deficits or surpluses have been identified.

735. PPG17 recognises the benefits of open spaces, sport and recreation facilities in terms of promoting social inclusion and community cohesion and their vital role in promoting healthy living and preventing illness and in the social development of children of all ages. Local authorities are expected to undertake audits of existing open space and recreational

facilities, the use made of existing facilities and access in terms of location and costs and opportunities for new open space and facilities, in order to identify specific needs and/or quantitative and qualitative deficits or surpluses in provision.

736. CoYC has undertaken an assessment of needs in the area [328]. The assessment identified that that the City is short of at least 669 sqm of swimming pool space. Much of that shortfall would be addressed by the provision of a publicly accessible 8 lane 25 m swimming pool with training pool suitable for hosting county level competitions. The City is also short of at least 24 publicly accessible badminton courts. The proposed campus would provide an additional 12 courts that would have public access. There is no outstanding requirement for additional health and fitness facilities and the supply of synthetic turf pitches meets demand based on national participation figures. However, the City needs a hockey development centre with a minimum of 1 water-based synthetic pitch. The University makes its sports facilities available to local community groups as well as meeting the needs of University students and staff [588]. The proposed development would include a 25 m competition standard swimming pool, 12 badminton court sports hall, 100 station fitness suite, 4 net projectile hall, dance/martial arts studio, climbing wall, 3 court indoor tennis hall, 4 squash courts and stands for an athletic stadium. The proposal would therefore meet some of the identified deficiencies in provision and in that respect it furthers the objectives of PPG17.

737. In addition, sports provision at the University is currently limited and is not comparable with that of other similar institutions [255]. I accept therefore that the provision of the proposed additional facilities would make the University more attractive to potential students and so help to retain its status.

M. The extent to which the proposal is consistent with the advice in Planning Policy Statement 23: Planning and Pollution Control.

738. PPS23 recognises that development control decisions can have a significant effect on the environment. Decision makers must be satisfied that planning permission can be granted on land use grounds taking full account of the environmental impacts. Such an approach requires close cooperation with the Environment Agency, other relevant bodies such as English Nature, drainage boards and water and sewerage undertakes to ensure that potential releases can be adequately regulated under the pollution control framework and that the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make the development unacceptable. The Environment Agency, Yorkshire Water and The Ouse and Derwent Internal Drainage Board did not object to the proposed development, subject to the imposition of appropriate planning conditions. [256, 329]

739. Foul water effluent is to be treated at the Naburn WwTW to a standard suitable for disposal to the River Ouse. Sustainable drainage methods would be used to safeguard the environment from pollution due to contaminated surface water run off. [256, 329]

740. The submitted evidence indicates that the impact of the development on air quality will be minimal. [256, 329]

741. As the main development site comprises agricultural land, historical contamination is not expected to represent a significant risk to the wider environment. The proposed access to the site at Grimston Bar comprises part of a former landfill site where evidence of soil and water contamination and elevated soil gas has been identified. Based on the results of the

site investigations and qualitative risk assessment undertaken on behalf of the University the potential for a significant risk of significant harm would appear to be low. Nevertheless, the applicants accept that a number of mitigation measures should be implemented. Those measures can be secured by condition.

742. Subject to the imposition of the recommended conditions, I consider the proposal to be consistent with the advice in PPS23.

N. The extent to which the proposed development is consistent with advice in Planning Policy Guidance Note 24: Planning and Noise.

743. PPG24 recognises that the impact of noise can be a material consideration in the determination of planning applications. The guidance seeks to ensure that, wherever practical, noise sensitive developments are separated from major sources of noise or that new development involving noisy activities should, if possible be sited away from noise-sensitive land uses.

744. The uses proposed at the University campus would not be significant generators of noise. An assessment has been undertaken of noise from construction activities during the development of the site, likely operation noise from campus activities and the potential impact of transportation noise on noise-sensitive premises within and adjoining the campus. [257]

745. The noise survey results confirm that road traffic generated noise is the dominant source of ambient noise around the site at present. The effect of construction works would be to increase ambient noise levels by up to 24 dB(A) in the worst case at the most affect residential properties on Field Lane. However, the majority of construction activities would result in specific noise levels below ambient levels. The noise impact on those sensitive receptors adjacent to the site boundary would only be 'very substantial' during certain phases of the construction works. However, the noise impact could be attenuated to acceptable levels by the imposition of mitigation measures that can be secured by planning condition. During the operation of the campus, noise and vibration impact from road traffic should be negligible. The proposed student accommodation should only experience low levels of traffic noise and no specific attenuation measures would be required. [257]

746. On the basis of the submitted evidence I consider the proposal to be consistent with the advice in PPG24.

O. The extent to which the proposed development is consistent with advice in Planning Policy Guidance Note 25: Development and Flood Risk, with particular regard of the need:

i) to avoid development that increases flood risk through its effect on flood plain flows and storage;

ii) to give priority to lower-risk areas for the location of development; and

iii) to ensure that development within areas vulnerable to flooding be protected to an appropriate minimum standard, taking account of the likely effects of climate change.

747. PPG25 has been replaced by PPS25 which was issued following the close of the Inquiry. Paragraph 8 of the PPS advises that, when considering planning applications for

development in flood risk areas, decision makers should ensure that: the application is supported by site-specific flood risk assessments; that a sequential risk-based to determining the suitability of approach to the suitability of the land for development is adopted; give priority to sustainable urban drainage systems (SUDS) and ensure that all new development in flood risk areas is appropriately flood resilient and resistant. The issues therefore remains essentially similar to those identified by the Secretary of State.

748. A flood risk assessment has been prepared and submitted to the Environment Agency which raises no objection to the proposal. The Agency's flood maps show the entire site is on land having a less than 1 in 1000 chance of river flooding. The site is outside the functional flood plain and therefore the proposals would not increase flood risk through their effect on flood plain flows and storage. In terms of the advice in PPS25 the site is within a zone of 'low probability' where all uses of land are considered appropriate. [258, 330]
749. The proposed 14 ha lake and wetlands would protect the drainage system to the south of the site from any increase in peak run off arising from the proposed development and should ensure that there is no increase in flood risk downstream of the site. I therefore conclude that the proposal is consistent with the advice in PPS25
750. Concerns have been raised by objectors concerning the sustainability of the lake, partly arising from the condition of the lake at the Heslington West campus. Potential sources of water to fill the lake are water falling on the development area; water running into the site from without and possibly by abstraction from the underlying aquifer. There are therefore a variety of options for providing sufficient water to maintain levels within the lake, although seasonal fluctuations would be likely to occur [258]. Detailed proposals for the drainage of the site would need to be submitted for the approval of the Local Planning Authority. However, on the basis of the evidence available at this time, I am satisfied that a drainage system could be designed that should ensure that the hydrology of the lake would be sustainable.

Overall conclusions on the main issues

751. The application site is located within the Green Belt. A University campus is not an appropriate form of development within the Green Belt and it is necessary to consider therefore whether there are very special circumstances that clearly outweigh the harm that the development would cause to the purposes of including land within the Green Belt and any other harm. The proposed development would further the aims of national higher education policy and would have significant educational, economic and social benefits for the City and the region. However, those benefits do not in themselves amount to very special circumstances. It is necessary to consider whether the benefits could be realised by development on sites that are not within the Green Belt. I am satisfied that there are no alternative sites which are suitable and viable for the proposed development. Nor do I consider the disaggregation of the various elements of the proposed campus to be a practical or viable alternative. The development would clearly reduce the openness of the Green Belt. It would also result in the loss of a significant amount of high quality agricultural land and reduce the viability of the only remaining farm within Heslington Village.
752. No other material harm would be caused by the proposed development. The effect on listed buildings within the area and the character and appearance of the Heslington Conservation Area would on balance be neutral. Although the character and appearance of the site would change as a consequence of the development, it would not materially harm the character and appearance of the area and the setting of York. Views of the Minster would be unaffected. Residential amenity and the operation of the local highway network could be safeguarded

through the imposition of appropriate planning conditions and by the requirements of the S106 Agreement. The development would result in significant educational, economic and social benefits for the City and the region. Therefore on balance I consider that the educational need for the development, the significant benefits of the development and the absence of alternative sites are very special circumstances which clearly outweigh the limited harm which would be caused to the openness and purposes of including land within the Green Belt and the loss of good quality agricultural land.

P & Q. Whether planning permission should be granted and what conditions should be imposed

753. In view of my conclusions I consider that outline planning permission should be granted. If my recommendation is accepted then the conditions set out in Appendix A of my report should be imposed. The reasons for the conditions are set out in paragraph 613 of my report.

RECOMMENDATION

754. I recommend that outline planning permissions be granted subject to the conditions set out in Appendix A of my report.

Gwynn Rowlands

Inspector

APPEARANCES

For the Applicant

Ms Francis Pattison of Queens Council	- instructed by Mrs Janet O'Neill, O'Neill Associates
She called:	
Professor Brian Cantor	- Vice Chancellor, University of York
Professor Trevor Sheldon	- Pro Vice-Chancellor, University of York
Mr Jon C Street MBA MCIOB	- Director of Estates Services, University of York
Dr Chris Henshall MA PHD	- Pro Vice-Chancellor, University of York
Mr Andrew Brown BA BArch MSc MRTPI RIBA IHBC	- Associate, Woodhall Planning and Conservation
Dr Patrick Ottway MIFA FSA	- Head of Fieldwork, York Archaeological Trust
Mr Jon Meacock	- Project Director, Heslington East Project
Mr Andy Ward BA(Hons) DipArch DipUD DipTp RIBA	- Technical Director, Terence O'Rourke Ltd
Mr Peter J Veitch DipHort MLI	- Director of Landscape, Bureau Veritas
Mr David Pontefract BA MSc CMILT MIHT	- Regional Director, Faber Maunsell
Mr Peter Greenwood FRICS FAAV	- Senior Partner, Peter Greenwood and Co
Mr Matthew Elliott BSc MSc CEng FCIArg	- Associate Director WYG Consulting
Mr Tony Simmons BSc MSc CGeol FGS	- Technical Director W A Fairhurst & Partners
Murray Lloyd BA(Hons)	- DTZ Debenham Tie Leung
Mr Martin Butterfield MSc MIOA	- Senior Consultant, Bureau Veritas
Dr Richard Maggs PhD DIC BSc(Hons)	- Business Director, Bureau Veritas
Mr Ed Connon BSc MSc CEng MICE CEnv MCIWEM	- Divisional Director W A Fairhurst & Partners
Mr Andrew Coleman BSc MPhil CGeol	- Associate, Bureau Veritas
Dr Sarah Davidson PhD DIC BSc(Hons) MIBiol CBiol	- Technical Director, Bureau Veritas
Mrs Janet O'Neill BSc DipTP MRTPI	- Director, O'Neill Associates

For the Local Planning Authority
Mr Matthew Copeland of Counsel

He called:

Mr David Atkinson

Mr Peter Evely

Mr Richard Hindle Ba(Hons) MSc

Mr Peter Southern MRICS

Mr John Oxley

Mr Robert Missin

Mr Peter G B Dixon MA MRICS MIHT
MEI

Ms Janine Riley BSc (Soc Sci) Dip Arch
DipCons(AA)

Mr Sean Suckling BSc(Hons) MCIEH

Ms Esther Priestly BA(Hons) Land Arch
MLI

Mr Howard Smith BEng Ma MRTPI

- instructed by Mr Mark Blackburn, Senior
Solicitor, City of York Council

- Chief Executive, City of York Council

- Head of Network Management, City of York
Council

- Director SQW Ltd

- Associate Director SQW Ltd

- Archaeologist for the City of York Council

- Countryside Officer, City of York Council

- Hepher Dixon Planning and Regeneration

- Conservation Architect, City of York Council

- Principal Environmental Protection Officer, City
of York Council

- Landscape Architect, City of York Council

- Development Control Officer, City of York
Council

For Heslington Parish Council and Heslington Village Trust

Mr Giles Cannock of Counsel

He called:

Mr Richard Frost

Mr Nick Allen

Mr Bill McLean

Mr John Lovett

- instructed by Mr Richard Frost, Heslington Parish
Council, 4 Hall Park, Heslington, York YO10
5DT

For the Campaign to Protect Rural England (York and Selby Branch)

Dr Guy Woolley

- Woodstock House, Church Street, Barkston Ash,
Tadcaster LS24 9PJ

For the York Natural Environment Trust

Mr Mick Phythian BA(Hons) MIMS - Chair, York Natural Environment Trust, 67
MBSC CITP Monkton Road, York YO31 9AJ

Interested Persons and Organisations

York Green Party

Councillor Mark Hill - York Green Party, Basement Office, 22a
Fishergate, York YO10 3ER

Councillor Andy D'Agorne

Mr Peter Sanderson

Ms Candida Craghill

Hugh Bayley MP - House of Commons, London SW1A 0AA

John Grogan MP - House of Commons, London SW1A 0AA

Councillor Tracey Simpson-Laing - York Labour Party, 21 Salisbury Road, Leeman
Road, York YO26 4YN

Councillor Christian Vassie - 10 Blakes Court, Wheldrake, York YO19 6BT

Councillor Ceredig Jamieson-Ball - 3 Emily Mews, York YO10 3ER

Mr T Riordan - Yorkshire Forward, Victoria House, Victoria
Place, Leeds LS11 5AE

Ms Alison Sinclair - York Conservation Areas Advisory Panel, 25
Norfolk Place, York YO23 1JY

Mr Mickey Armstrong - President, University of York Students Union

Mr Richard Davis - Internal Officer, University of York Graduate
Students Association

Mr Nik Engineer - President, University of York Athletic Union

Mr R W Bramley - Primrose Hill Farm, Heslington, York YO10 5EJ

Mr Ian Anderson - 5 Elm Park Way, York YO31 1DX

Dr Richard Firm - 30A Stockton Lane, York YO31 1BQ

Dr Richard Tyler - National HMO Lobby, Cardigan Centre, 145
Cardigan Road, Leeds LS6 1LJ

Mr A K Windass - 19 Eastfield Crescent, Badger Hill, York YO10
5HZ

Mr W H Telfer - 56 Yarburgh Way, Badger Hill, York YO10 5HG

Dr Roger Pierce - 76 Huntington Road, York YO31 7TQ

Mr R G McMeeking
Mr Chris Hawkswell
Mrs Sally Hawkswell

- 52 Heworth Green, York YO31 7TQ
- Lime Tree Farm, Heslington, York YO10 5EB
- Lime Tree Farm, Heslington, York YO10 5EB

DOCUMENTS

Planning application documents

- Doc 1 Application Description and Plans
- Doc 2 Planning Statement
- Doc 3.1 Transport Assessment Non-Technical Summary
- Doc 3.2 Transport Assessment
- Doc 3.3 Transport Assessment Sustainable Travel Plan
- Doc 4.1 Environmental Impact Assessment Non-Technical Summary
- Doc 4.2 Environmental Impact Assessment – Environmental Statement
- Doc 4.3 Environmental Impact Assessment – Maps and Figures
- Doc 4.4 Environmental Impact Assessment – Technical Appendices
- Doc 5 Justification for Expansion
- Doc 6 Review of Alternative Sites
- Doc 7 Facilities Brief
- Doc 8 Design Statement
- Doc 9 Community Engagement Report
- Doc 10 Revised and Supplementary Plans

University of York Proofs of Evidence

- Doc 11.1 Professor Cantor's proof of evidence
- Doc 11.2 Professor Cantor's summary proof of evidence
- Doc 12.1 Professor Sheldon's proof of evidence
- Doc 12.2 Professor Sheldon's summary proof of evidence
- Doc 12.3 Professor Sheldon's supplementary proof of evidence
- Doc 12.4 Professor Sheldon's appendices
- Doc 13.1 Mr Street's proof of evidence
- Doc 13.2 Mr Street's summary proof of evidence
- Doc 13.3 Mr Street's appendices

- Doc 14.1 Dr Henshall's proof of evidence
- Doc 14.2 Dr Henshall's summary proof of evidence
- Doc 14.3 Dr Henshall's appendices
- Doc 15.1 Professor Ford's proof of evidence
- Doc 15.2 Professor Ford's summary proof of evidence
- Doc 15.3 Professor Ford's appendices
- Doc 16.1 Mr Meacock's proof of evidence
- Doc 16.2 Mr Meacock's summary proof of evidence
- Doc 16.3 Mr Meacock's appendices
- Doc 17.1 Mr Ward's proof of evidence
- Doc 17.2 Mr Ward's summary proof of evidence
- Doc 17.3 Mr Ward's appendices
- Doc 18.1 Mr Veitch's proof of evidence
- Doc 18.2 Mr Veitch's summary proof of evidence
- Doc 18.3 Mr Veitch's supplementary proof of evidence
- Doc 18.4 Mr Veitch's appendices
- Doc 18.5 Photographs of Heslington West campus
- Doc 19.1 Mr Pontefract's proof of evidence
- Doc 19.2 Mr Pontefract's summary proof of evidence
- Doc 19.3 Mr Pontefract's appendices
- Doc 20.1 Mr Brown's proof of evidence
- Doc 20.2 Mr Brown's summary proof of evidence
- Doc 20.3 Mr Brown's appendices
- Doc 21.1 Dr Ottway's proof of evidence
- Doc 21.2 Dr Ottways's summary proof of evidence
- Doc 22.1 Mr Greenwood's proof of evidence
- Doc 22.2 Mr Greenwood's summary proof of evidence
- Doc 22.3 Mr Greenwood's supplementary proof of evidence
- Doc 23.1 Dr Davidson's proof of evidence
- Doc 23.2 Dr Davidson's summary proof of evidence
- Doc 24.1 Mr Callaghan's proof of evidence

- Doc 24.2 Mr Callaghan's summary proof of evidence
- Doc 24.3 Mr Callaghan's appendices
- Doc 25.1 Mr Coleman's proof of evidence
- Doc 25.2 Mr Coleman's summary proof of evidence
- Doc 26.1 Dr Maggs' proof of evidence
- Doc 26.2 Dr Maggs' summary proof of evidence
- Doc 26.3 Dr Maggs' appendices
- Doc 27.1 Mr Butterfield's proof of evidence
- Doc 27.2 Mr Butterfield's summary proof of evidence
- Doc 28.1 Mr Simmons' proof of evidence
- Doc 28.2 Mr Simmons' summary proof of evidence
- Doc 28.3 Mr Simmons' appendix A1
- Doc 28.4 Mr Simmons' appendix A2
- Doc 28.5 Mr Simmons' appendix A3
- Doc 28.6 Mr Simmons' appendix A4
- Doc 29.1 Mr Connon's proof of evidence
- Doc 29.2 Mr Connon's summary proof of evidence
- Doc 29.3 Mr Connon's appendices
- Doc 30.1 Mr Elliott's proof of evidence
- Doc 30.2 Mr Elliott's supplementary proof of evidence
- Doc 30.3 Mr Elliott's appendices
- Doc 31.1 Mr Murray's proof of evidence
- Doc 31.2 Mr Murray's supplementary Proof of evidence
- Doc 31.1 Mrs O'Neill's proof of evidence
- Doc 31.2 Mrs O'Neill's summary proof of evidence
- Doc 31.3 Mrs O'Neill's appendices

University of York Core Documents (UCD)

- Doc 32.1 UCD1 – Outline Planning Application Documents (See docs 1 – 10)
- Doc 32.2 UCD2 - Securing the Future: delivering the UK sustainable development strategy
- Doc 32.3 UCD3 – Sustainable Communities: building for the future

- Doc 32.4 UCD4 - Relevant Government guidance: PPS1, PPG2, PPG3, PPG4, PPS6, PPS7, PPS9, PPG13, PPG15, PPG16, PPG17, PPS23, PPG24, PPG25
- Doc 32.5 UCD5 - City of York Draft Local Plan (1998) with 4 sets of changes, April 2005
- Doc 32.6 UCD6 – City of York Draft Local Development Framework Jan/Feb 2006
- Doc 32.7 UCD6 – Regional Spatial Strategy for Yorkshire and the Humber to 2016 December 2004
- Doc 32.8 UCD7 – Emerging Regional Spatial Strategy – The Yorkshire and Humber Plan (to 2021) December 2005
- Doc 32.9 UCD8 - Regional Economic Strategy
- a) 2003-2012 February 2003
 - b) Government Consultation Draft October 2005
- Doc 32.10 UCD10 – Investment Plan for York and North Yorkshire 2004/2009
- Doc 32.11 UCD11- City of York Council development briefs:
- a) Heslington Campus: Development Brief for Future Expansion 1999
 - b) Development Brief: Heslington East University of York Campus 2004
 - c) York Central 2004
- Doc 32.12 UCD12 – University of York Development Plan 1962-72
- Doc 32.13 UCD13 – University of York: Policy on Sustainable Development July 2003
- Doc 32.14 UCD14 – Moving Forward: The Northern Way 2005
- Doc 32.15 UCD15 – Heslington Village Design Statement 2004
- Doc 32.16 UCD16 – The Future of Higher Education 2003
- Doc 32.17 UCD17 – An Investment Framework for Science and Innovation 2004-2014
- Doc 32.18 UCD18 – Higher Education Funding Council for England Strategic Plan 2003-2008
- Doc 32.19 UCD19 – Studentification: A Guide to Opportunities, Challenges and Practice 2006
- Doc 32.20 UCD20 – Conservation Area Practice - English Heritage - October 1995
- Doc 32.21 UCD21 – Conservation Area Appraisals – English Heritage - March 1997
- Doc 32.22 UCD22 – Guidance on the Management of Conservation Areas – English Heritage – August 2005
- Doc 32.23 UCD23 – Guidance on Conservation Area Appraisals – English Heritage – August 2005
- Doc 32.24 UCD24 – Listed buildings – list descriptions and location plans for buildings in the vicinity of the application site

- Doc 32.25 UCD25 – Scheduled Ancient Monuments – description and location plan for Siward’s How and York Minster
- Doc 32.26 UCD26 - Heslington Conservation Area – plan and description from draft Local Plan April 2005
- Doc 32.27 UCD27 – Adopted North Yorkshire County Structure Plan 1995
- Doc 32.28 UCD28 – Secretary of State’s call-in letter dated 14 September 2005
- Doc 32.29 UCD29 – Lambert Review of Business December 2003
- Doc 32.30 UCD30 – University of York’s bid to Higher Education Funding Council for England: Strategic Development Fund September 2004

Additional University Documents

- Doc 32.31 Notes of the meeting of the Good Neighbourhood Group 15 March 2006
- Doc 32.32 Note of University income 2004/2005
- Doc 32.33 Letter from the Scottish Executive dated 11 April 2003 regarding Section 75 Agreement in relation to a planning application
- Doc 32.34 Study of undergraduate student preferences
- Doc 32.35 Statement in support of embedding by Professor Etzkowitz
- Doc 32.36 E-mail concerning improvements to Naburn WwTM
- Doc 32.37 Supplementary evidence on Science Park accommodation and lettings policy
- Doc 32.38 Supplementary evidence on the University’s implementation of the Sustainable Travel Plan
- Doc 32.39 Supplementary evidence on the University’s deliverability of the proposed development
- Doc 32.40 Supplementary evidence on the development and implementation of the University’s Sustainable Development Policy
- Doc 32.41 Supplementary evidence on the indicative Phase 1 construction programme for Heslington East
- Doc 32.42 Supplementary evidence on measures taken by the University to address noise and anti-social behaviour within the community
- Doc 32.43 Note on the condition of the lake on Heslington West
- Doc 32.44 Supplementary evidence on the condition of the lake at Heslington West
- Doc 32.45 Letter from English Heritage to the City of York Council dated 6 December 2004
- Doc 32.46 Proposed amended wording for draft condition 5
- Doc 32.47 Heslington West campus built footprint figures April 2006
- Doc 32.48 Decision notice, outline planning permission for a bio-medical research centre, Edmonstone campus, Edinburgh

- Doc 32.49 S106 Agreement, University of Cambridge, West Cambridge Site
- Doc 32.50 Planning permission for student accommodation at Holmfield Lane, Heslington
- Doc 32.51 Summary of land ownership, Heslington East
- Doc 32.52 CLASP buildings condition reports
- Doc 32.53 University of York Draft Development Brief: Report on public consultation
- Doc 32.54 Draft notes of Good Neighbours Group meeting 26 September 2006
- Doc 32.55 Notes of Good Neighbours Group meeting 26 September 2006
- Doc 32.56 Note regarding the British Sugar site
- Doc 32.57 Details of part-time student numbers
- Doc 32.58 Redundancies within York

City of York Proofs of Evidence

- Doc 33 Mr Atkinson's proof of evidence
- Doc 34.1 Mr Evely's proof of evidence
- Doc 34.2 Mr Evely's supplementary proof of evidence
- Doc 35 Mr Hindle's and Mr Southern's proof of evidence
- Doc 36 Mr Oxley's proof of evidence
- Doc 37 Mr Mission proof of evidence
- Doc 37.1 Mr Dixon's proof of evidence
- Doc 37.2 Mr Dixon's summary proof of evidence
- Doc 37.3 Mr Dixon's supplementary proof of evidence
- Doc 37.4 Mr Dixon's appendices
- Doc 38 Mr Dennis proof of evidence (as presented by Ms Riley)
- Doc 39 Mr Suckling's proof of evidence
- Doc 40 Ms Priestly's proof of evidence
- Doc 41 Mr Smith's proof of evidence

City of York Core Documents

(There is some duplication between the City of York Council's core documents and those of the University of York)

- Doc 42.1 CD/001 - Deposit Draft Local Plan incorporating changes 1 and 2 (UDC5)
- Doc 42.2 CD/002 - Deposit Draft Local Plan 1998 incorporating 4th set of changes as adopted for development control purposes April 2005 (UCD5)
- Doc 42.3 CD/003 - Outline Planning Application Documents Volumes 1 – 9 (UCD1)

Doc 42.4	CD/004 - Outline Planning Application Documents Volume 10 (UCD1)
Doc 42.5	CD/005 - PPG2
Doc 42.6	CD/006 - PPG3
Doc 42.7	CD/007 - PPG4
Doc 42.8	CD/008 - PPG13
Doc 42.9	CD/009 - PPG15
Doc 42.10	CD/010 - PPG16
Doc 42.11	CD/011 - PPG17
Doc 42.12	CD/012 - PPG24
Doc 42.13	CD/013 - PPG25
Doc 42.14	CD/014 - PPS1
Doc 42.15	CD/015 - PPS6
Doc 42.16	CD/016 - PPS7
Doc 42.17	CD/017 - PPS9
Doc 42.18	CD/018 - PPS23
Doc 42.19	CD/019 - List description of Heslington Church
Doc 42.20	CD/020 - List description of Heslington Hall
Doc 42.21	CD/021 - see UCD26
Doc 42.22	CD/022 - see UCD7
Doc 42.23	CD/023 - see UCD27
Doc 42.24	CD/024 - see UCD11b
Doc 42.25	CD/025 - see UCD11a
Doc 42.26	CD/026 - see UCD15
Doc 42.27	CD/027 - York Green Belt Local Plan Post Modifications (September 1995)
Doc 42.28	CD/028 - East Riding Development Plan (1967)
Doc 42.29	CD/029 - Selby District Pre-Deposit Consultation Draft Local Plan (1995)
Doc 42.30	CD/030 - see UCD2
Doc 42.31	CD/031 - see UCD3
Doc 42.32	CD/032 - see UCD12
Doc 42.33	CD/033 - see UCD13

- Doc 42.34 CD/034 – Design With Distinction – The Value of Good Building Design in Higher Education: CABE
- Doc 42.35 CD/035 – see UCD8
- Doc 42.36 CD/036 – Officers’ report to Committee
- Doc 42.37 CD/037 – Minute of Committee of 16 March 2005
- Doc 42.38 CD/038 – Conditions as agreed by Committee of 16 March 2005
- Doc 42.39 CD/039 – By Design
- Doc 42.40 CD/040 - Amended Plan F(iv) as received by CoYC 25 February 2005
- Doc 42.41 CD/041 – Plan 2 ‘Construction Access and Haul Routes’ as received by CoYC 15 February 2005
- Doc 42.42 CD/042 - Plan 6 ‘Works to Grimston Bar Junction’ as received by CoYC 15 February 2005
- Doc 42.43 CD/043 – Plan 3 ‘Parking Survey Area’ dated 30 November 2004
- Doc 42.44 CD/044 – see UCD9a
- Doc 42.45 CD/045 – see UCD9b
- Doc 42.46 CD/046 – York Community Plan – Local Strategic Partnership 2005
- Doc 42.47 CD/047 – Economic Development Framework – Economic development Group CoYC
- Doc 42.48 CD/048 – Progress in the Region – Yorkshire Futures, the Regional Intelligence Network 2006
- Doc 42.49 CD/049 – Employment and Land Use in the York U.A. in 2026
- Doc 42.50 CD/50 – Science City York Land to 2021
- Doc 42.51 CD/51 – 1st National Science Cities Symposium papers – Science City York - 2005
- Doc 42.52 CD/52 – Leeds City Region Development Plan 2005
- Doc 42.53 CD/53 – see UCD14
- Doc 42.54 CD/54 – see UCD14
- Doc 42.55 CD/55 – Science City York Business Plan 2005
- Doc 42.56 CD/56 – see UCD10
- Doc 42.57 CD/57 – see UCD29
- Doc 42.58 CD/58 – University of York Heslington Campus assessment (archaeology)
- Doc 42.59 CD/59 – Heslington East Geophysical Survey 2004
- Doc 42.60 CD/60 – Heslington East Part 1 & 2 YORYM:2002.59 Archaeological Evaluation

- Doc 42.61 CD/61 – Ancient Monuments and Archaeological Areas Act (1979)
- Doc 42.62 CD/62 - Conservation Policies for York: Archaeology
- Doc 42.63 CD/63 – Institute for Field Archaeologists Standard Guidance for Archaeological Field Evaluation
- Doc 42.64 CD/64 – City of York Council Contaminated Land Strategy July 2001
- Doc 42.65 CD/65 – Part IIA of the Environmental Protection Act 1990
- Doc 42.66 CD/66 – Circular 2/2000 Contaminated Land
- Doc 42.67 CD/67 – not required
- Doc 42.68 CD/68 – MPG11
- Doc 42.69 CD/69 - British Standard 4142 – Rating industrial noise affecting mixed residential and industrial areas
- Doc 42.70 CD/070 – WHO Noise Guideline Values
- Doc 42.71 CD/071 – Acoustic Design of Schools
- Doc 42.72 CD/072 – Calculation of Road Traffic Noise
- Doc 42.73 CD/073 – British Standard 5228 Noise and Vibration Control on Construction and Open Sites
- Doc 42.74 CD/074 – not required
- Doc 42.75 CD/075 – The Air Quality Standard for England, Scotland, Wales & Northern Ireland
- Doc 42.76 CD/076 – The Air Quality Regulations 2000
- Doc 42.77 CD/077 – The Air Quality Regulations 2006
- Doc 42.78 CD/078 – Local Air Quality Management Technical Guidance Note LAQM.TG(03)
- Doc 42.79 CD/079 – Local Air Quality Policy Guidance Note LAQM.PG(03)
- Doc 42.80 CD/080 – Technical Guidance Note on the Assessment of Air Quality Issues on Planning Applications
- Doc 42.81 CD/081 – Development Control – Planning for Air Quality 2004
- Doc 42.82 CD/082 – Second and Third Stage Review & Assessment of Air Quality in York –including technical annexes 1 & 2 – 2000
- Doc 42.83 CD/083 – Interim 4th Assessment of Air Quality in York 2003
- Doc 42.84 CD/084 – Improving Air Quality in York 2004
- Doc 42.85 CD/085 – Update & Screening Assessment 2003
- Doc 42.86 CD/086 – Air Quality Progress Report 2004
- Doc 42.87 CD/087 – not required

- Doc 42.88 CD/088 – Major Sites Air Quality Impact Assessment 2005
- Doc 42.89 CD/089 – Foss Basin Transport Implications Final Report 2003
- Doc 42.90 CD/090 – not required
- Doc 42.91 CD/091 – not required
- Doc 42.92 CD/092 – Draft Local Transport Plan 2006-2011
- Doc 42.93 CD/093 – York Green Belt Appraisal 2003
- Doc 42.93a CD/093a – Letter from Yorkshire Water to CoYC received 30 June 2004
- Doc 42.94 CD/094 – North Monks Cross Appeal Decision
- Doc 42.94a CD/094a – Letter from Environment Agency to CoYc received 19 July 2003
- Doc 42.95 CD/095 – see CD/103
- Doc 42.95a CD/095a – Letter from Environment Agency to CoYC received 13 October 2004
- Doc 42.96 CD/096 – Letter from Highways’ Agency to CoYC received 18 February 2005
- Doc 42.97 CD/097 – Letter from the Policy Architectural Liaison Officer received by CoYC 8 June 2004
- Doc 42.98 CD/098 – Letter from Heslington Parish Council received by CoYC 6 July 2004
- Doc 42.99 CD/099 - Letter from Heslington Parish Council received by CoYC 22 October 2005
- Doc 42.100 CD/100 - Letter from CPRE received by CoYC 28 July 2006
- Doc 42.101 CD/101 - Letter from CPRE received by CoYC 13 October 2006
- Doc 42.102 CD/102 – see UCD28
- Doc 42.103 CD/103 – York Landscape Appraisal
- Doc 42.104 CD/104 – City of York Council Economic Development Programme 2005/2006
- Doc 42.105 CD/105 – City of York Council Plan 2005/6
- Doc 42.106 CD/106 – see UCD10
- Doc 42.107 CD/107 – ‘York – A City Making History’ Without Walls
- Doc 42.108 CD/108 – Statement of Community Involvement –draft February 2006
- Doc 42.109 CD/109 – Local Development Scheme – August 2005
- Doc 42.110 CD/110 – Annual Monitoring Report 2004/2005
- Doc 42.111 CD/111 – Sustainability Appraisal Scoping Report (Core Strategy) August 2005
- Doc 42.112 CD/112 – Green Belt Working Group – Environmental Capacity: A Methodology for Historic Cities

Additional Council Documents

- Doc 42.113 Supplementary proof of evidence on conditions
- Doc 42.114 Graphs of peak hour traffic generation/time relationship and speed/speed flow relationships
- Doc42.115 Extract from Local Transport Plan 2006-2011
- Doc42.116 Details of awards to the Local Transport Authority
- Doc42.117 Extract from Original Master Plan 1999
- Doc42.118 Copy of Tree Preservation Order 15/1986
- Doc 42.119 Highways Design Guide
- Doc 42.120 Update to Committee Report

Heslington Parish Council

- Doc 43.1 Heslington Parish Council proof of evidence and summary proof
- Doc 43.2 Heslington Parish Council appendices HPC1 – HPC33
- Doc 43.3 HPC1 Village Design Statement
- Doc 43.4 HPC2 Campus 3 questionnaire
- Doc 43.5 HPC3 Campus 3 Parish meeting 29/10/03
- Doc 43.6 HPC4 Campus 3 Parish meeting 09/6/04
- Doc 43.7 HPC5 Monks Cross appeal decision
- Doc 43.8 HPC6 Paper from a Parish Councillor
- Doc 43.9 HPC7 The Crescent appeal decision
- Doc 43.10 HPC8 Conservation area map
- Doc 43.11 HPC9 Agreement for Dean's Acre
- Doc 43.12 HPC10 Road layout around Dean's Acre
- Doc 43.13 HPC11 Alternative route for spine road
- Doc 43.14 HPC12 Overview of site
- Doc 43.15 HPC13 Photographs of poor screening
- Doc 43.16 HPC14 Questions to Peter Evely and reply
- Doc 43.17 HPC15 Comparison of student/staff numbers and traffic flows
- Doc 43.18 HPC16 Parking
- Doc 43.20 HPC17 Sustainable Travel Plan
- Doc 43.21 HPC18 Trip rate calculation

- Doc 43.22 HPC19 Support to Document HPC15
- Doc 43.23 HPC20 January 2003 report on noise in Heslington
- Doc 43.25 HPC21 July 2003 report on noise in Heslington
- Doc 43.26 HPC22 July 2003 further report on noise in Heslington
- Doc 43.27 HPC23 Example noise logs from Holmfield Lane
- Doc 43.28 HPC24 Noise reports and license extension
- Doc 43.29 HPC25 Typical resident's letter re Public House Licence extension
- Doc 43.30 HPC26 Press report covering student noise elsewhere in the UK
- Doc 43.30 HPC27 Parking proposals and map
- Doc 43.31 HPC28 Photographs of to let signs in Wellington Street York and student housing
- Doc 43.32 HPC29 Notes of meeting with John Grogan MP
- Doc 43.33 HPC30 Heslington East outline planning application for student housing
- Doc 43.34 HPC31 Studentification report
- Doc 43.35 HPC32 Student accommodation St Andrews University
- Doc 43.36 HPC33 University cycle route
- Doc 43.37 Department for Education and Skills press notice 18 April 2006
- Doc 43.38 Paper by Bahram Bekhradnia on the Demand for Higher Education to 2020
- Doc 43.39 Comparison of University applications 2006 to previous year
- Doc 43.40 Villagers vs student numbers
- Doc 43.41 Actual yield from Mr Hawkswell's farm
- Doc 43.42 E-mail dated 14 March 2006 regarding parking spaces at the University
- Doc 43.43 University of York Transport Surveys 2005
- Doc 43.44 Draft development brief for the Terry's site
- Doc 43.45 Alternative line for the proposed link road
- Doc 43.46 Photographs of queuing traffic on Field Lane
- Doc 43.47 Comments on proposed conditions and S106 Agreement
- Doc 43.48 Letter from City of York Council to Mr Allen dated 12 July 2006 regarding residents' parking scheme
- Doc 43.49 National HMO Lobby 10 Point Plan
- Doc 43.50 Additional HPC evidence
- Doc 43.51 Press release regarding Nestle/Rowntree's York factory

Campaign to Protect Rural England

- Doc 44.1 Dr Woolley's proof of evidence
- Doc 44.2 Plan indicating location of possible alternative sites
- Doc 44.3 Illustrative plan of areas within Heslington West campus that could be redeveloped.

York Natural Environment Trust

- Doc 45 Mr Phythian's proof of evidence

Statements from interested persons and organisations

- Doc 46 Statement on behalf of the York Green Party
- Doc 47 Statements by Councillor Mark Hill, Mr David Taylor and Ms Candida Spillard on behalf of the York Green Party
- Doc 48 Statement by Hugh Bayley MP
- Doc 49 Statement by John Grogan MP
- Doc 50 Councillor Simpson-Laing's statement and supporting documents
- Doc 51 Councillor Jamieson-Ball's statement
- Doc 52 Councillor Vassie's statement
- Doc 53 Ms Sinclair's statement
- Doc 54 Mr Armstrong's statement
- Doc 55 Mr Davis' statement
- Doc 56 Mr Engineer's statement
- Doc 57 Mr Riordan's statement on behalf of Yorkshire Forward
- Doc 58 Mr Bramley's statement
- Doc 59 Mr Anderson's statement
- Doc 60 Dr Firn's statement and supporting documents
- Doc 61 Dr Tyler's statement
- Doc 62 Mr Windass' statement
- Doc 63 Mr Telfer's statements and supporting documents
- Doc 64 Dr Pierce's statement
- Doc 65 Mr McMeekings statements and supporting documents
- Doc 66 Mr Hawkswell's statement
- Doc 67 Mrs Hawkswell's statement and supporting photographs
- Doc 68 Letters received in response to the notification of the inquiry

- Doc 69 Statement of Common Ground
- Doc 70 Draft conditions (superseded)
- Doc 71 Amended draft conditions
- Doc 72 Signed Section 106 agreement
- Doc 73 Attendance Lists
- Doc 74 Letter of notification of the Inquiry

PLANS

The application plans are as set out in Documents 1, document 1 and 10

ANNEX A

PROPOSED CONDITIONS

(My comments on the conditions are set out in paragraph 613 of the report and my recommendation on the matter is at paragraph 754.

Condition 1

The development shall not be carried out otherwise than in complete accordance with the plans as originally submitted and later amended by the revised drawings or in accordance with any minor modification there of that may be approved in writing by the Local Planning Authority. The approved plans are as listed below and received by the Local Planning Authority on the date indicated:

Plan A received 30 April 2004

Plan C (i) received on 30 April 2004

Plan C (ii) received on 30 April 2004

Plan C (iii) received on 30 April 2004

Plan F (i) received on 30 April 2004

Plan F (iii) received on 30 April 2004

Plan F (ii) A received on 25 February 2005

Plan F (v) received on 22 September 2004

Plan 2 received on 15 February 2005 (construction access and haul routes)

Plan 6 received on 15 February 2005 (works to Grimston Bar junction)

Plan 3 dated 30 November 2004 (parking survey areas)

REASON: For the avoidance of doubt and to achieve an acceptable form of development.

Condition 2

Approval of the details of the siting, design, external appearance of the buildings and the landscaping of the site (to include re-profiling of ground levels) (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before the development to which the submitted details relate is commenced.

REASON; To ensure compliance with Sections 92 and 93 of the Town and Country Planning Act 1990

Condition 3

All reserved matters shall be submitted to the Local Planning Authority for approval not later than the expiration of twenty years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: to ensure compliance with Sections 92 and 93 of the Town and Country Planning Act 1990 and to allow submission of reserved matters applications throughout the construction period of the development.

Condition 4

The development shall be in accordance with submitted plan C (i) and the developed footprint within the allocated area as shown on Plan C (i) shall not exceed 23% of that area. Developed footprint comprises buildings, car parks and access roads. Access roads are to be defined with the approval of the design brief required in condition 11.

REASON: To limit the permission to comply with Policy ED9 of the draft Local Plan and the adopted Development Brief and to limit development to that which was the subject of the Environmental Impact Assessment.

Condition 5

Development on the site will be restricted to University uses, including the following:

- (a) Academic, teaching, research and continuing professional development uses
- (b) Housing for University of York staff and students
- (c) Arts, cultural, sports and social facilities ancillary to the above uses
- (d) Uses ancillary to the University
- (e) Conferences
- (f) Uses which are knowledge based activities, including Science City York Uses, that can demonstrate that they need to be located on the site due to aspects such as sharing of research and development ideas, resources or personnel, or undertaking of research activities within the University of York
- (g) Necessary Support Services to uses included in (f) above, including financial, legal and other professional and technical services occupying no more than 10% of the total floor space reserved under (f) above.

Science City York Uses that will be acceptable on the site are defined as being those:

- (i) which operate within a high technology sector and/or engage in innovative activities; and
- (ii) which have a focus on research and development, product or process design, applications engineering, high level technical support or consultancy; and
- (iii) where a minimum of 15% of the staff employed are qualified scientists or engineers. (Qualified scientists or engineers are those qualified to at least graduate level in physical, biological, social sciences or humanities disciplines related to the work of Science City York).

The developer shall maintain a register of the uses under (f) and (g) above which are located on the site and this shall show how each use complies with the criteria set out in (f) and (g). Such register shall be available for inspection by the Local Planning Authority at all reasonable times.

Those uses identified as falling within (f) and (g) shall occupy no more than 25 hectares (at 23% of developed footprint) of the 'allocated area' as shown on submitted Plan C(i).

REASON: For the avoidance of doubt and to ensure development is in accordance with Policy ED9 of the draft Local Plan and the adopted development brief.

Condition 6

The developer will undertake an annual survey of traffic travelling to and from the University together with a survey of traffic through the following three principal junctions:

Grimston Bar Roundabout/A64 junction

Melrosegate/Hull Road traffic signal controlled junction; and

Fulford Road/Heslington Lane traffic signal controlled junction.

The surveys will be undertaken in the period between 07.00 hours and 19.00 hours on a weekday and month approved by the Local Planning Authority. The first such survey shall be undertaken before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan). The developer will determine by reference to the surveys the volume of University related traffic through the junctions. Using the forecasts of traffic generation and distribution for the University from the submitted transport assessment the developer will develop a traffic model to predict traffic flows related to the University at each of the junctions in accordance with a phased programme agreed with the Local Planning Authority.

In addition, prior to the development commencing and annually thereafter, the developer will undertake a survey of traffic at the junction between University Road/Field Lane/Main Street South/Main Street West.

The results of the surveys and the current predictions shall be submitted to the Local Planning Authority within 3 months of the date of the surveys and shall be used to accompany applications submitted for approval of reserved matters for buildings as set out in condition 7.

REASON: To provide monitoring of traffic flows related to the current activity of the University and prediction of growth of additional traffic related to the University.

Condition 7

Every application for approval of reserved matters for a building of floorspace greater than 500 sqm will be accompanied by a comparison of the predicted traffic flows related to the University (obtained from the traffic model) with the volumes derived from actual surveys of traffic flows related to the University, carried out as required by condition 6. If the actual surveyed traffic volumes related to the University at the three principal junctions identified in condition 6 are more than 5% higher than the predicted traffic flows in the morning and peak periods, the developer shall prepare details of mitigation measures and an associated implementation programme to reduce the actual traffic flows to the predicted levels. The agreed mitigation measures shall be submitted to the Local Planning Authority for approval and implemented by the developer. For the avoidance of doubt the peak hours above shall be considered to be between 08.00 and 09.00 hours and 17.00 and 18.00 hours during the working week within University and school term time.

REASON: To determine the scale of impact of additional University related traffic and any appropriate mitigation measures.

Condition 8

Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), details for the implementation, monitoring and review of the submitted Sustainable Travel Plan for the University (outline planning application Document 3.3) shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include early implementation of the peripheral parking strategy and University Transit System, provision of information on sustainable travel, targets for mode share, timescales for implementation, monitoring and reporting on the Plan.

REASON: In the interests of sustainable development and the safe operation of the Highway Network

Condition 9

No more than 500 parking spaces may be brought into use upon the occupation of the first building. Additional parking spaces up to the 1500 approved by this permission may be brought into use if:

- (i) the details of location and construction of the permitted car park spaces are submitted to and approved in writing by the Local Planning Authority; and
- (ii) they are parking spaces which have been relocated from the existing University campus in accordance with proposals in the submitted transport assessment; or
- (iii) their being brought into use will not increase the traffic generated by the proposed development in the peak hours at the three principal junctions identified in condition 6 by more than 5% above the predicted levels as calculated in accordance with condition 6.

REASON: To ensure the impact of traffic generated by University expansion is kept within agreed limits.

Condition 10

Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), the developer will carry out a survey of current on-street parking on highways within the area shown on plan 3 and thereafter repeat the survey annually. The surveys shall be carried out to a specification and at a time agreed with the Local Planning Authority.

Within 3 months of the annual survey being carried out, the developer will review the on street parking survey results and submit the review to the Local Planning Authority to demonstrate whether the volume of on-street parking in any of the areas shown on plan 3 has increased by more than 20% of the first annual survey as a consequence of the development.

If this percentage figure is exceeded then remedial measures agreed with the Local Planning Authority shall be undertaken.

REASON: To determine a baseline of on-street parking against which the impact of University expansion can be monitored and thereafter to determine the impact of University expansion on the volume of on-street car parking and in the interests of highway safety

Condition 11

Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), a detailed Design Brief including a masterplan shall be submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with the planning policies in the Development Plan and the adopted Development Brief dated February 2004 and the plans hereby approved. The design brief shall include:

- Building heights
- Key views as defined in figure 5 of the adopted Development Brief
- External materials palette
- External lighting design
- Designation of character areas as outlined in submitted plan C (i)
- Access roads
- A sustainability strategy for the site developed from requirements of the Development Plan and adopted Development Brief and the applicant's submitted sustainability policy (contained in Document 2 of the submitted outline planning application). The strategy should be consistent with the York Local Agenda 21 Sustainability Strategy.

The 'reserved matters' should be submitted in accordance with the approved Design Brief.

The approved Design Brief may be revised subject to the written approval of the Local Planning Authority.

REASON: In the interests of securing coherent development across the site and in accordance with the development Plan and the adopted Development Brief.

Condition 12

Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), a Landscape Design Brief shall be submitted to, and approved in writing by the Local Planning Authority. The Landscape Design Brief shall include those measures incorporated into the submitted Environmental Statement. Subsequent reserved matters applications for the approval of the detail of landscaping on the site shall be submitted in accordance with the approved Landscape Design Brief. The approved Landscape Design Brief may be revised subject to the written approval of the Local Planning Authority.

REASON: To secure the coherent design of landscaping across the site and to ensure that the landscaping objectives set out in the adopted Development Brief are achieved and that the development is in accordance with the aims of Planning Policy Statements 1 and 9, Policy N1 of the Regional Spatial Strategy for Yorkshire and the Humber, Policies GP9, NE1, NE2 and NE7 of the Draft Local Plan and the approved Development Brief.

Condition 13

Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any

evaluation works associated with the Archaeological Remains Management Plan), a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan will include proposals for survey and protection of trees on site. Subsequent reserved matters applications for approval of the details of landscaping on the site shall be implemented and managed in accordance with the approved Landscape Management Plan. The approved Management Plan may be revised subject to the written approval of the Local Planning Authority.

REASON: To secure the coherent design of landscaping across the site and to ensure that the landscaping objectives set out in the adopted Development Brief are achieved and that the development is in accordance with the aims of Planning Policy Statements 1 and 9, Policy N1 of the Regional Spatial Strategy for Yorkshire and the Humber, Policies GP9, NE1, NE2 and NE7 of the Draft Local Plan and the adopted Development Brief and in accordance with the parameters of the development assessed by the Environmental Statement.

Condition 14

Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To safeguard the amenity of residential occupants on the site and in the surrounding area and in the interests of highway safety.

Condition 15

Before the commencement of development, an Environmental Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Site Management Plan shall include:

- (i) provision for protection of water resources during construction activities and thereafter during the operation of the site;
- (ii) proposals for the interim use of land prior to its development;
- (iii) implementation and future management of the proposed ecological mitigation measures;
- (iv) implementation and future management of proposed habitat and species enhancement measures.

These measures shall be implemented in accordance with an agreed programme unless otherwise agreed in writing with the Local Planning Authority. The Environmental Site Management Plan shall be reviewed every 5 years from first approval and any amendments agreed in writing with the Local Planning Authority. Any alterations to the measures in the approved Environmental Site Management Plan during any interim period shall be subject to the prior written approval of the Local Planning Authority.

REASON: To protect the natural environment and ensure delivery of environmental enhancements which form part of the development hereby approved in accordance with the aims of Planning Policy Statements 1 and 9, Policy N1 of the Regional Spatial Strategy for Yorkshire and the Humber, Policies NE1, NE2 and NE7 of the Draft Local Plan and the adopted Development Brief.

Condition 16

No building or other obstruction shall be located within 5 metres either side of the centre line of the 700 mm water main that crosses the southern edge of site i.e. a total protection strip width of 10 metres.

REASON: In order to allow sufficient access for maintenance and repair work at all times.

Condition 17

Before the commencement of development details showing the methodology for protection of the 300 mm water main that runs to the south of the Hull Road access shall be submitted to and approved in writing by the Local Planning Authority, and these protection measures retained in place at all times thereafter.

REASON: In order to allow sufficient access for maintenance and repair works at all times.

Condition 18

No building or other obstruction shall be located within 3 meters either side of the centre lines of existing public sewers i.e. total protection strip widths of 6 meters for each sewer that crosses the site

REASON: In order to allow sufficient access for maintenance and repair works at all times.

Condition 19

Development shall not begin until an assessment has been carried out into the potential for disposing of surface water by means of a sustainable drainage scheme, in accordance with the principles of sustainable drainage systems set out in national planning policy statements, and the results of that assessment have been provided to the Local Planning Authority. The assessment shall take into account the design storm period and intensity; methods to delay and control the surface water discharged from the site; and, measures to prevent pollution of the receiving groundwater and/or surface waters.

Surface water drainage works shall be carried out in accordance with details that have been submitted to and approved in writing by the Local Planning Authority before the development commences. Those details shall include a programme for implementing the works. Where, in the light of the assessment the Local Planning Authority conclude that a sustainable drainage scheme should be implemented, details of the works shall specify:

- i) a management and maintenance plan, for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime; and
- ii) the responsibilities of each party, for implementation of the sustainable drainage scheme, together with a timetable for that implementation.

There shall be no piped discharge of surface water from the development prior to the completion of the approved sustainable drainage scheme.

REASON: In the interest of satisfactory and sustainable drainage and to ensure protection of the water environment.

Condition 20

Before any works commence on the construction of any building, details of the proposed means of disposal of foul drainage from the site shall be submitted to and approved in writing by the Local Planning Authority, and subsequently implemented in accordance with the approved details.

REASON: To ensure that the development can be properly drained and to ensure protection of the local water environment.

Condition 21

All noise generated during the site preparation, groundwork and construction phases associated ancillary operations of the use hereby permitted shall meet the following criteria:

LOCATION	MAXIMUM LIMIT	TIME PERIOD
Western boundary of site adjacent to school's outside playing area	50 dB Laeq (30 minutes)	During the School Day
The gardens of dwellings at: (a) western boundary of site on The Crescent (b) northern boundary of the site on Field Lane	70 dBA (1 hour)	A continuous period of up to eight weeks in any calendar year, without the prior written notice of the Local Planning Authority
The gardens of dwellings at: (a) western boundary of site on The Crescent (b) northern boundary of the site on Field Lane	Not exceeding background noise levels	Before 0800 and after 1800 hours Monday to Friday Before 0900 and after 1300 hours on Saturdays At all times on Sundays and Bank Holidays
Within occupied residential buildings on the site	Not exceeding background noise levels	Before 0800 and after 1800 hours Monday to Friday Before 0900 and after 1300 hours on Saturdays At all times on Sundays and Bank Holidays

Before the commencement of development the developer will carry out an acoustic survey of the site boundaries at locations agreed with the Local Planning Authority to establish background noise levels.

Before the commencement of development the developer will submit a scheme to the Local Planning Authority setting out the means of regular monitoring of the noise levels at the agreed locations and this shall be approved in writing by the Local Planning Authority and implemented before the commencement of development.

REASON: To protect the amenities of residential occupants of the site and in the surrounding area and the amenities of pupils and staff of local schools in accordance with the aims of PPG24.

Condition 22

Details of all machinery plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum sound levels ($L_{max}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed mitigation measures. All such approved machinery, plant and equipment shall subsequently be used on the site in accordance with the agreed details. Any approved noise mitigation measures shall be fully implemented and operational before the associated machinery, plant or equipment to which it relates is first used and shall be appropriately maintained thereafter.

REASON: To safeguard the amenity of occupants of neighbouring premises in accordance with the aims of PPG24.

Condition 23

Outside the development area shown as 'allocated area' on submitted Plan A, no temporary works, materials storage or ancillary operations, other than those relating to development hereby permitted outside the allocated development area as shown on the submitted Plan A, shall be carried out.

REASON: To protect the amenities of adjacent residents and the openness of these areas in accordance with the aims of PPG2

Condition 24

Construction traffic to the 'allocated area' as shown on submitted plan C (i) shall only enter and leave from accesses to the public highway as shown on submitted Plan 2.

REASON: In the interests of highway safety and the amenity of occupiers of dwellings near the site.

Condition 25

Notwithstanding the approved plans, construction details of the following matters shall be submitted to and approved in writing by the Local Planning Authority before being implemented on the application site in accordance with the approved details:

- Roads and junctions including signalling
- Footpaths
- Cycleways and cycle parking

- Car parking
- External lighting
- Routes for construction traffic and construction site working areas for the access roads and car parking outside the allocated site.

Such submissions and approvals may cover the whole or any part of the application site.

REASON: For the avoidance of doubt and in the interests of the visual appearance of the development and in the interests of highway safety.

Condition 26

Before the commencement of development, an Archaeological Remains Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall subsequently be implemented. The Archaeological Remains Management Plan shall include the following:

- (i) A strategy for further evaluation work (to include metal detecting survey, geophysical survey and archaeological trenches) directed at understanding the seven less significant areas identified in YAT Report Number 2004/23 'Heslington East, Heslington York: a report on archaeological evaluation';
- (ii) An archaeological excavation and metal detecting survey targeted on the three most significant areas identified in YAT Report Number 2004/23 'Heslington East, Heslington York: a report on archaeological evaluation' and any other important areas identified by further evaluation work in item (i) above;
- (iii) A clear research design context for all further archaeological work;
- (iv) A programme of physical and intellectual access during the lifetime of the project for the general public, the local community and schools and colleges, universities and other educational groups;
- (v) A timetable for archive deposition and publication.

Such approved Archaeological Remains Management Plan may be revised subject to the approval of the Local Planning Authority.

REASON: The site lies within an area where important archaeological deposits have been identified. The development will affect those deposits and they must be recorded during the construction programme.

Condition 27

Details of the proposed re-routing of the overhead power lines shall be submitted to and approved in writing by the Local Planning Authority prior to such works commencing. Re-routing shall be carried out in accordance with the approved details.

REASON: In the interests of securing improvement of the visual appearance of the site and the amenity of future users of the site

Condition 28

Before any works commence on the construction of any building an area plan to show the relationship of the building with surrounding development (built form and use) shall have been approved in writing by the Local Planning Authority.

REASON: In accordance with the aims of the adopted Development Brief and to ensure the coherent development of the site.

Condition 29

Each reserved matters application will be accompanied by a statement on sustainability to demonstrate conformity with the approved sustainability strategy contained within the approved Design Brief.

REASON: In accordance with the aims of Planning Policy Statement 1, Policy R3 of Regional Spatial Strategy for Yorkshire and the Humber, Policies GP1 and GP4 of the draft Local Plan and the adopted Development Brief in incorporating best practice in sustainability.

Condition 30

All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

REASON: To protect the amenities of adjacent residents

Condition 31

Any ground contamination detected during site works shall be reported to the Local Planning Authority. A programme of remediation for the contamination shall be agreed with the Local Planning Authority in writing and fully implemented prior to any further development on that part of the site.

REASON: To protect human health and the wider environment in accordance with the aims of PPS23 and Policy GP6 of the Draft Local Plan.

Condition 32

The proposed western access to the allocated area from Field Lane shown on Plan F (ii) revision A shall not be used for any motorised vehicle other than for the purpose of emergency access, maintenance vehicles operating in connection with the University Transit System for the movement of people and any other types of vehicle the use of which is agreed in writing with the Local Planning Authority prior to its use.

REASON: To ensure that development is carried out in accordance with the application and to protect the highway network.

Condition 33

The central access from Field Lane shown on Plan F (i) shall be utilised as access to no more than 150 car parking spaces.

REASON: To ensure that the development is carried out in accordance with the application and to protect the highway network.

Condition 34

Notwithstanding the approved plans, a fully detailed scheme of foundation design and construction for any development on the former landfill area outlined by the thin solid red line in figure 19.3.1 of the Environment Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development within that area. The approved scheme shall be fully implemented prior to the area coming into use.

REASON: To protect human health and the wider environment.

Condition 35

Before the commencement of development, a method of sampling and validation of imported and excavated ground materials shall be submitted to and approved in writing by the Local Planning Authority to ensure that such materials that are used on site are not contaminated. This should include details of the origin of such materials.

REASON: To protect human health and the wider environment.