

York Local Plan Examination  
Statement of Common Ground between  
The City of York Council and  
York St John University (ref 901)

July 2022



## 1. Introduction

1.1 The purpose of this Statement of Common Ground is to inform the Inspectors and other interested parties about the areas of agreement and outstanding areas of disagreement between the Council and the University in respect of proposals in the Emerging York Local Plan relating to the York St John University.

## 2. Background to York St John University

2.1 York St John University's main teaching campus is at Lord Mayor's Walk, a 4.5ha site at Lord Mayor's Walk on the northern edge of the city centre, facing the City Walls and York Minster beyond. Originally built around a quadrangle in 1841, the campus includes six Grade II listed buildings and is partly located within the Central Historic Core Conservation Area. The campus has experienced major development in recent years, and spatial and heritage constraints mean there is limited scope for new build development.

2.2 The University's sport campus is located at the Haxby Road Sport Park, 1.5km north of the city centre. The University offers a range of undergraduate and postgraduate courses and research opportunities focusing on various aspects of sport: sport psychology, physiotherapy, sport and exercise science, sport and exercise therapy, sports business management.

## 3. Haxby Road Sport Park

3.1 The 23ha Sport Park lies to either side of Haxby Road, named Mille Crux to the east and Northfield to the west.

Map 1 land comprising the York St John University Sport Park



3.2 The land highlighted yellow in Map 1 shows the site of the York St John University Sport Park. The University acquired the site from Nestle in 2012 and has since invested over £13m to transform it into a centre for sporting excellence. Mille Crux has been subject to significant development and now provides 3 full-size floodlit artificial pitches; 3 floodlit outdoor tennis courts; a Hub Building with changing and teaching facilities; an indoor Sports Hall; an indoor tennis centre; an all-weather sprint track; grass pitches; and a bowling green for use by residents.

3.3 Northfield comprises two areas of playing fields separated by an access track which are currently laid out to provide 2 football/rugby pitches, 3 football pitches, and up to 3 junior pitches. It currently does not have any built facilities and the pitches have no floodlighting.

3.4 The two parts of the Sport Park comprise a busy sports campus which is used by students across a wide range of course, by student sports clubs, and by the wider community.

3.5 Each component of the Sport Park has strongly defined boundaries. Mille Crux is enclosed by mature trees and the River Foss, Haxby Road, and Foss Park Hospital. Northfield is contained by the Nestle factory to the south and southwest, mature boundary planting to the north and west, and Haxby Road to the east.

3.6 The Sport Park is adjacent to the residential suburbs of Huntington to the east and The Groves to the south. The extensive Nestle factory lies to the south of Northfield and New Earswick village is close to the north. To the west of Northfield is Bootham Stray. The site is within easy walking and cycling distance of the Lord Mayor's Walk Campus and is well-served by regular bus services.

#### **4. Key policy and evidence base context**

4.1 The following paragraphs of the National Planning Policy Framework (2012) are of key relevance:

- §17 which requires LPAs to objectively identify and meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth
- §84 requiring LPAs to take account of the need to promote sustainable patterns of development when drawing up green belt boundaries

- §85 providing the criteria that Local Planning Authority's must consider when defining Green Belt boundaries

4.2 The Local Plan policies most relevant to this Statement are:

- Policy DP1 York Sub Area
- Policy DP2 Sustainable Development
- Policy H7 Student Housing
- Policy HW3 Built Sport Facilities
- Policy ED4 York St John University Lord Mayor's Walk Campus
- Policy ED5 York St John University Further Expansion

Key Diagram and Policies Map

4.3 The Key Diagram (EX/CYC/46) identifies Mille Crux at the Sport Park as being within York's main urban area, but not Northfield.

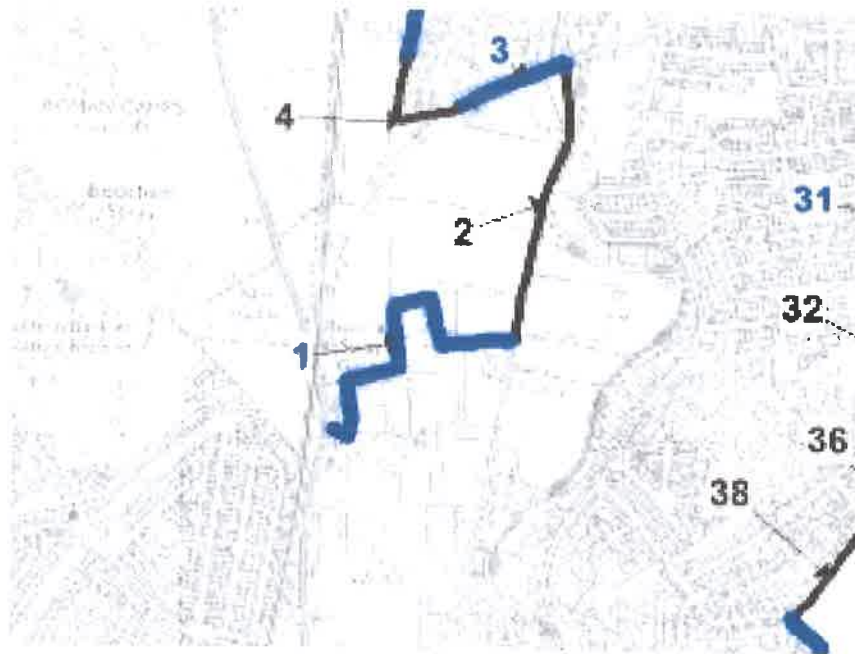
4.4 Policies Map (North) allocates the entire Sport Park (both Mille Crux and Northfield) as 'Existing University Campus' and 'Existing Open space'. It includes Northfield, but not Mille Crux, within Green Belt.

Extract from the Policies Map (North)



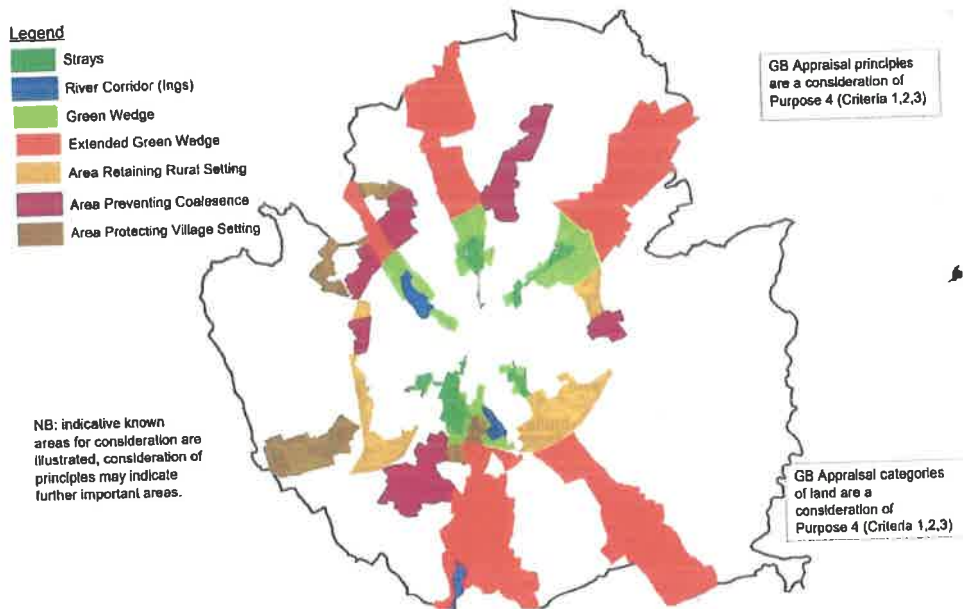
4.5 The Northfield site falls within Section 5, Boundary 1 (Nestle Factory) and Boundary 2 (Haxby Road) of the proposed Inner Boundaries of the Green Belt, as detailed in TP1 Annex 3 (EX/CYC/59d) at pA3:350 to A3:362. The proposed boundary follows the fenced northern periphery of the Nestle Works site and Haxby Road.

Extract from TP1 Annex 3 (EX/CYC/59d) Green Belt Inner Boundary Section 5 p.A3:347



4.6 Northfield is located within the Green Wedge C1 (Extension to Bootham Stray) and to the west of Northfield is Bootham Stray (A1), as shown in Annex 1 of the Green Belt Addendum (EX/CYC/59a, Evidence 11b). The TP1 Green Belt Addendum EX/CYC/59 sets out the importance of the strays, lngs, and Green Wedges to Strategic Principle 7 (p38) and the assessment of Purpose 4. They form a relevant consideration in assessment criteria 1, 2, and 3 for Purpose 4 (pp72-75).

Extract from TP1 Annex 1 (EX/CYC/59a) Evidence 11b – The Approach to the Green Belt Appraisal (2003) and Updated (2011 & 2013) Categories of Land



## 5. Areas of Agreement

5.1 Both parties agree that York St John's University is an important education establishment in the city bringing significant economic and social benefits. The continued growth of the University is supported by both parties.

5.2 Both parties agree with the following elements and policies of the Local Plan policy context relating to York St John's University:

- Defines the Sport Park site as 'Existing University Campuses' on the Policies Map (North);
- Defines Mille Crux as being within the main urban area, as shown on the Key Diagram;
- Allocates Site SH1 (Land at Heworth Croft) for York St John student housing and recognises that additional student housing should be provided in locations within the main urban area which are well related to the Lord Mayor's Walk campus, as supported by policy ED4 and H7;
- Supports the expansion of the sports facilities at Haxby Road Sport Park specifically including Northfield, (policy ED5)

## 6. Areas of Disagreement

6.1 The crux of the Areas of Disagreement for the University relates to whether the proposed Green Belt boundaries in relation to the York St John Sport Park are compliant in relation to policy contained in the following sections of 2012 NPPF;

- §17 regarding the need to objectively identify and meet the housing, business and other development needs of an area
- §84 on the need to promote sustainable patterns of development when drawing up green belt boundaries
- §85 providing the criteria that LPAs must consider when defining Green Belt boundaries, in particular on whether:
  - the boundaries are consistent with the Plan strategy for meeting identified requirements for sustainable development in relation to the University;
  - the boundaries include land which it is unnecessary to keep permanently open;

6.2 There is also some disagreement between the Council and the University in relation to the wording of Policies ED5 and H7 relating to student housing.

6.3 The Areas of Disagreement are set out in more detail below.

Table 1. Areas of Disagreement

Topic	York St John's University Comment	City of York Council Response
Green Belt boundary	<p>The site is within the 'doughnut ring' of Green Belt around York. However, as confirmed by Hon. Mr Justice Stuart-Smith in the Wedgewood judgement, the general extent of the Green Belt as established by the RSS policies 'do not state or imply that every piece of land within the doughnut ring that is bounded by the inner and outer boundaries shall be Green Belt; nor do they say anything about whether all or some pieces of land within the doughnut ring shall not be Green Belt'.</p> <p>The University disagrees on the contribution Northfield makes to the purposes of Green Belt. It disputes the assessment for Inner Boundaries 1-2 in EX/CYC/59d and has submitted representations that it is not necessary to keep Northfield permanently open in relation to any of the 3 purposes relevant to York's Green Belt.</p> <p>The University disagree that in defining Green Belt boundaries the Council has properly taken into consideration NPPF policy on meeting development needs (§17), promoting sustainable patterns of development (§84), or on ensuring</p>	<p>The assessment in Annex 3 EX/CYC/59d at pA3:350 to A3:362 concludes that the Northfield part of the sports campus should be included within the Green Belt. This consists of playing fields providing football and rugby pitches. There is no built form and no floodlighting.</p> <p>In contrast, the Mille Crux part of the campus (located to the east of Haxby Road) is excluded from the Green Belt as this has considerable built development as well as indoor and outdoor sports facilities with floodlights.</p> <p>As detailed in Annex 3 at pA3:354, the proposed boundary marks a clear distinction between the built and open environment and consists of recognisable and permanent features. Furthermore, Millie Crux is enclosed by built development and Haxby Road and it doesn't connect into the wider surrounding Green Belt.</p> <p>The outdoor sports and recreational uses within the Northfield part of the campus preserve the openness of the Green Belt and are acceptable uses within the Green Belt. It is necessary to keep Northfield permanently open because it serves an important</p>

	<p>consistency with the Plan strategy for meeting identified requirements for sustainable development (§85)</p> <p>The alternative Green Belt boundary (ref Appendix 1 of this document) proposed by the University would facilitate the need to meet sustainable growth whilst also representing an appropriate and defensible Green Belt boundary, as consistent with the NPPF.</p>	<p>Green Belt function forming part of the Green Wedge C1 and being adjacent to Bootham Stray which are both important to Purpose 4. Alternative boundaries are explored in the assessment however these alternatives would risk harm to Purpose 1, 3 and 4. The proposed boundary is therefore sound.</p> <p>On pp. A3:355-356 of Annex 3, the assessment concludes that the open land to the north of the proposed boundary is not suitable for development in line with the Local Plan Strategy. The justification for this is due to Green Belt considerations (due to Bootham Stray and the Green Wedge in this location) as well as other site constraints. This land consists of the Northfield site.</p>
<p>Growth of the Sports Park</p>	<p>The University does not accept that the proposed inclusion of the Northfield site within the Green Belt is consistent with the need recognised in the Local Plan and Green Belt evidence to support the growth of the University and provide additional sports facilities at the Northfield part of the Sport Park.</p> <p>The University considers that the designation would mean that provision of built sporting facilities, floodlighting and other development at Northfields (as outlined in §7.16, Policy ED5) would be considered as 'inappropriate development' in context of Policy GB1 and require demonstration of Very Special Circumstances.</p> <p>This entirely undermines the Local Plan's stated intention to support the continued growth of the Sport Park at Northfield, as set out in Policy ED5 and in the evidence base at EX/CYC/59 (§4.51 and 10.29).</p> <p>The Council's evidence base explicitly identifies the need for the expansion of the University Sport Park and acknowledges that additional facilities to meet this need should be provided at Northfield. At the same time, it contains the assumption that Northfield will be considered in the Plan as part of the urban area.</p>	<p>The Council does not agree that the inclusion of Northfield within the Green Belt conflicts with the Local Plan intention to support the continued growth of the Sports Park (Policy ED5).</p> <p>Policy ED5 states that appropriate uses within Northfield 'may' include:</p> <ul style="list-style-type: none"> <li>• 'Outdoor sports facilities, together with associated car and cycle parking and floodlighting;</li> <li>• Appropriate indoor sports facilities; and</li> <li>• Other outdoor recreational activity.'</li> </ul> <p>This list is caveated by the requirement for these uses to comply with the relevant policies in the rest of the plan, for example Green Belt policy.</p> <p>As noted in the Areas of Agreement above, the Council is supportive of the growth of the University.</p> <p>The appropriate mechanism for any proposed expansion of the Northfield sports park would be for the University to submit a planning application.</p> <p>Depending on the uses proposed, the University may need to demonstrate very special circumstances. Proposals for outdoor sports and recreational uses which preserve openness would not require the demonstration of Very Special Circumstances.</p> <p>Either way, the inclusion within the Green Belt does not prohibit the expansion of the Northfield sports park. Policy ED5 provides a supportive policy context for any proposed expansion.</p> <p>At this point in time, the University has not submitted a development proposal for the Council to consider and therefore a consistent and proportionate</p>

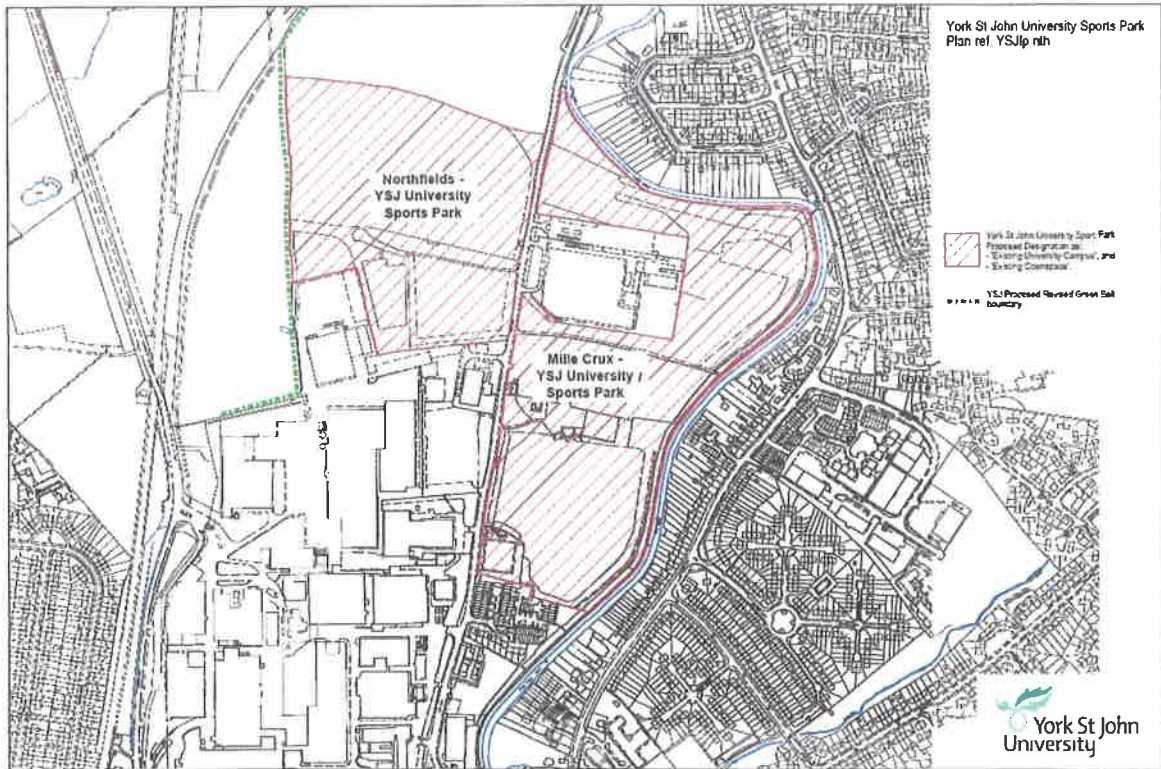


		approach has been taken in defining the Green Belt boundary.
Expansion needs and growth of the Sports Park	<p>The University disagrees that the Plan properly provides for its expansion needs, and does not recognise how these have been taken into account by the Council in its assessment of proposed Green Belt boundaries.</p> <p>Rather than "assist in further extension of its strategy for sport" (as per §7.15 of the Plan), designation of Northfield as Green Belt would severely constrain the University's ability to enhance its sporting provision through built development which is supported by Policy ED5 but would not accord with Green Belt policy.</p> <p>It would result in significant uncertainty in the University's need to forward plan and severely impact on its ability to bid for funding to deliver facilities that will maintain its status as a university known for sporting excellence.</p> <p>It would also inhibit the University's ability to provide wider community access to its sports facilities as otherwise supported by the Local Plan.</p>	As per above.
Tests of Soundness	<p>The University assert that all of the above amounts to a failure to meet the tests for soundness as required by §182 of the 2012 NPPF. These have not been met for the following reasons:</p> <p><b>Test 1: Positively prepared:</b> The inclusion of Northfield as Green Belt land is inconsistent with the Local Plan strategy to meet objectively assessed development requirements by supporting the further expansion of the Sport Park at Northfield.</p> <p><b>Test 2: Justified</b> The land at Northfield does not serve the three Green Belt purposes relevant to York, and there exist alternative options for robust boundaries that would provide a more enduring Green Belt.</p> <p><b>Test 3: Effective</b></p>	<p>The emerging Local Plan is legally compliant and has been prepared with regard to and in compliance with relevant legislation and procedural requirements.</p> <p><b>Test 1: Positively prepared:</b> For the reasons set out above, the inclusion of Northfield as Green Belt is not inconsistent with the Local Plan strategy.</p> <p><b>Test 2: Justified:</b> For the reasons set out above, the land at Northfield serves an important Green Belt function and contributes to the Green Belt purposes relevant to York. Alternative Green Belt boundaries have been explored in the assessment. The boundaries applied are recognisable and permanent and ensure the continued protection of the integrity and purposes of the Green Belt.</p> <p><b>Test 3: Effective:</b> For the reasons set out above, the proposed Green Belt boundaries do not inhibit the deliverability of the</p>



	<p>The proposed Green Belt boundaries will serve to inhibit the deliverability of the Plan by impeding the intention to unlock the further potential of York St John University and frustrating the application of Policy ED5, which supports the expansion of the Sport Park at Northfield.</p> <p><b>Test 4: Consistent with national policy</b> The proposed Green Belt boundaries will not facilitate the delivery of sustainable development. The requirements of NPPF §85 have not been met, and the Council has:-</p> <ul style="list-style-type: none"> <li>• not ensured consistency with the Local Plan strategy for meeting identified requirements for sustainable development; and</li> <li>• included land which it is unnecessary to keep permanently open</li> <li>• failed to ensure that the Green Belt boundary will not need to be altered at the end of the development plan period</li> </ul>	<p>Plan and do not prevent the University expanding the Northfield site for appropriate sports uses providing they comply with the relevant policies in the rest of the plan.</p> <p><b>Test 4: Consistent with national policy:</b> For the reasons set out above, the proposed Green Belt boundary is consistent with national policy and enables sustainable development to be achieved.</p> <p>The Council has not included land within the Green Belt which it is unnecessary to keep permanently open. As detailed in Annex 3 at pA3:354, the proposed boundary marks a clear distinction between the built and open environment and consists of recognisable and permanent features.</p> <p>The outdoor sports and recreational uses within the Northfield part of the campus preserve the openness of the Green Belt and are acceptable uses within the Green Belt.</p>
Student Housing policies	<p>The University has submitted statements in relation to Matter 3 that it would welcome inclusion in Policies ED5 and H7 of wording that actively supports the provision of lower cost PBSA and encourages independent PBSA developers to build schemes that cater for a range of student needs.</p> <p>In relation to Policy H8, the University would like the Plan to acknowledge role that HMOs can play in providing a lower cost housing choice, and considers it appropriate that H8 allows some flexibility in the application of HMO thresholds in sustainable locations close to the University.</p>	<p>No change - The Plan supports the provision of PBSA as part of the City's housing supply, as set out in the Plan's vision (para 2.4) and policy ED5. Applications for PBSA will be determined in the context of the Plan.</p> <p>No change to H8. - HMOs make an important contribution to York's housing offer, providing flexible and affordable accommodation, not just for students but for young professionals and low and middle-income households who may be economically inactive or working in low paid jobs. The aim of policy H8 and the supporting SPD is to continue to provide HMO accommodation to meet the City's housing needs, but to manage the supply of new HMOs to avoid high concentrations of this use in an area. Given York's compact nature and well-connected public transport network it is considered that the spreading out of HMOs to avoid unsustainable concentrations will still mean that HMOs will remain highly accessible and a key component of our housing offer.</p>

Appendix 1

Plan showing the University's proposed Green Belt boundary



**Endorsement**

<b>City of York Council</b>		
<i>Name and Position</i>	<i>Signature</i>	<i>Date</i>
<b>Neil Ferris</b> Corporate Director of Place		July 2022 13 <sup>th</sup>
<b>York St John University</b>		
<i>Name and Position</i>	<i>Signature</i>	<i>Date</i>
<b>Robert Hickey</b> Chief Operating Officer		13 July 2022

