

York Local Plan Examination

Statement of Common Ground between

The City of York Council and

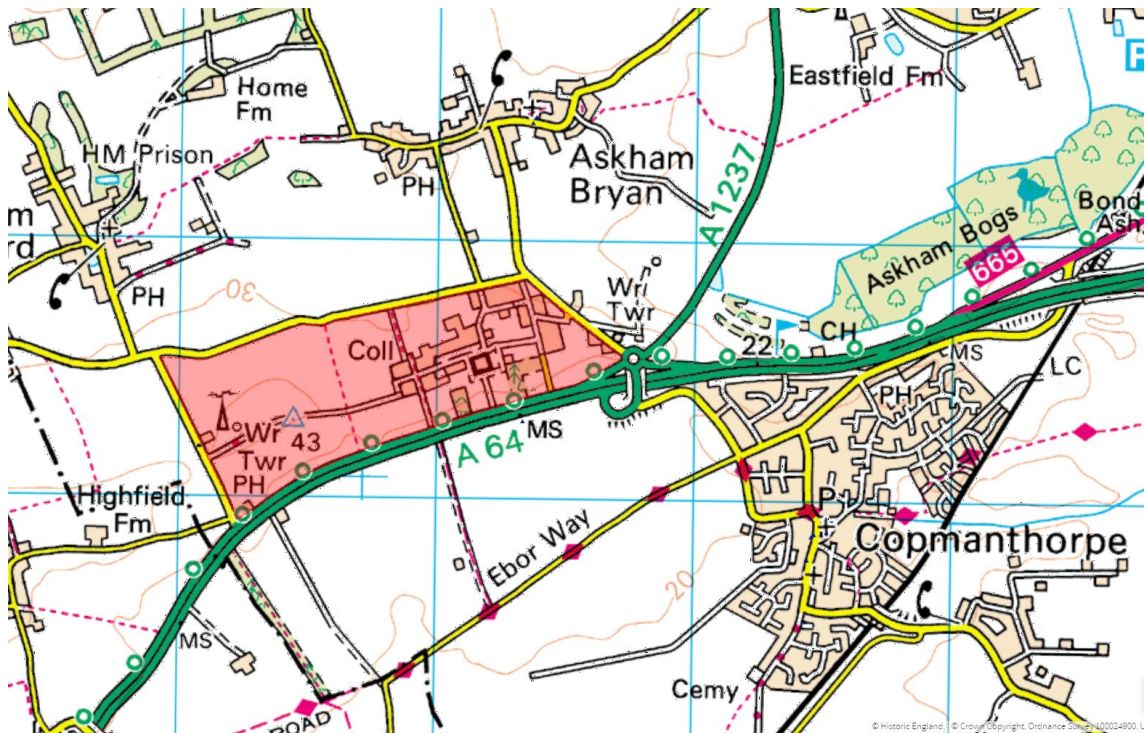
Askham Bryan College of Agriculture, York (ref 613)

22 September 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 Askham Bryan College in respect of proposals in the Emerging York Local Plan. A location plan showing the College campus is provided in below:



Site location Plan – College Campus

2. Background to the College

2.1 The College provides higher education, further education, special educational needs and difficulties (SEND) facilities, student residences, business operations, a wildlife park and visitor attraction, amongst other facilities.

- It is one of only ten independent specialist land-based colleges designated within the FE sector (out of 192 FE colleges in England) and is a national centre of excellence.
- It is a significant and principal provider of land-based education for York, the wider region and the North of England and works with 14 Local Authorities and 5 Local Enterprise Partnership regions (LEPs).

- The College requires a rural location for its operations and cannot be located within the urban area although it requires built form to carry out many of its activities.
- 2.2 The College focus is on providing skills training and applied research for the Bioeconomy in partnership with the University of York and FERA Science Limited, York Biotech Campus, aimed at sustainable food production.
- 2.3 In the academic year 2020/21, over 3,400 students were enrolled from entry level provision to honours degrees.
- 2.4 The college campus contains built-up areas within the centre and eastern end, the western end is open fields, as shown on the site location plan above.
- 2.5 The Local Plan contains one policy, ED7, specifically to Askham Bryan College. This policy supports further expansion of teaching, administration, research and student accommodation on the existing campus as shown on the proposals map.

3 Areas of Agreement

Policy Considerations

- 3.1 Section 3 of this document provides the most pertinent policy and evidence base considerations in relation to the College

Site context

- 3.2 The College welcomes the policy context for its growth requirements in Policy ED7 . It is agreed that the College is not within the urban area.
- 3.3 EX/CYC/59f defines the College as a 'Densely Developed Area in the General Extent of the Green Belt and refers to the College as a "settlement" (page 334). Therefore, it is agreed that the college campus is not open countryside, since a college campus has existed since 1948.
- 3.4 After further review the Council came to the view that, based on the Green Belt methodology, removing the main campus buildings of the College from the Green Belt is an appropriate modification to the plan. Removing these buildings from the Green Belt is agreed. The proposed inset boundary (as shown in Appendix 1) is a matter for disagreement for the reasons set out in section 5 below.

3.5 The Council considers that there would potentially be scope to further extend the campus to provide appropriate facilities within the Green Belt to support the continued development of the College, subject to formal discussion with the Council's development management service.

4 Areas of Disagreement

4.1 The Council and Askham Bryant do not agree on the proposed Green Belt boundaries.

4.2 The Council's proposed modification to the Plan as set out in correspondence dated 29th June 2022 to inset the College campus within the Green Belt is considered appropriate by the Council in terms of their Green Belt methodology.

4.3 The College welcome the proposal to inset part of the campus within the Green Belt but the proposed boundaries are contested between the parties.

4.4 The areas of disagreement are set out in Table 1 below:

Table 1. Areas of Disagreement

Topic	Askham Bryan College	City of York Council Response
Proposed inset boundary	<p>The boundary remains too restrictive. The College has proposed a boundary which will facilitate its growth and success during the Plan period, as shown in Appendix A.</p> <p>The College's has concerns with Appendix 2 of the CYC Matter 2 Statement which are detailed below in this table.</p> <p>The Council's proposed modification (29th June 2022) also appears to have been drawn on an outdated base map and does not properly account for recent planning permissions which have been implemented e.g. the extension to the learning resource centre.</p> <p>The College is concerned that the Council has not carried out the same assessment as the other 'inset' sites as contained within EX/CYC/59f e.g. considered alternative boundaries</p>	<p>As detailed in Appendix 2 of the CYC Matter 2 Statement, a clear and defensible Green Belt boundary has been defined in accordance with the boundary definition methodology set out in Section 8 of TP1 (EX/CYC/59). The boundary has been defined using physical features that are readily recognisable and likely to be permanent, it does not include land which it is unnecessary to keep permanently open, it ensures consistency with the Local Plan Strategy, and the approach applied is consistent to the other education establishments adjacent to the York Green Belt.</p>

Recent planning permissions	<p>The Council's proposed modification (29th June 2022) also appears to have been drawn on an outdated base map and does not properly account for recent planning permissions which have been implemented e.g. the digital skills academy. Details of recent planning permissions are provided in Appendix 1-5 below. The College's has concerns with Appendix 2 of the CYC Matter 2 Statement which are detailed below in this table.</p> <p>Application 20/01923/FULM has been completed. The approved use of the completed buildings is educational use. This area is part of the campus and should be inset within the greenbelt. The Council must consider that the land on which these completed buildings sit makes an 'important contribution' (as required by NPPF para 86) to openness. Furthermore this land is directly adjacent to the Council's proposed inset which the Council has concluded makes a low contribution to greenbelt (within Appendix 2 of the CYC Matter 2 Statement).</p> <p>the revised CYC Matter 2 Statement, Appendix 2 (as contained within Appendix 9 of the latest SoCG) suggests that the use of the cow/ farm sheds as 'agricultural' is a determining factor as to whether this land should be included within the green belt. This is not part of the criteria contained within NPPF paras 85 and 86. Land containing large buildings within a defined operational college campus surely does not make an important contribution to openness.</p>	<p>Since the submission of Appendix 2 of the CYC Matter 2 Statement, a proposed Policy Map Modifications Schedule has been published (EX/CYC/113)</p> <p>This schedule includes a revised green belt boundary as well as a proposed extension to the education allocation over the school site.</p> <p>The proposed boundary excludes the extension to the learning resource centre from the Green Belt (Application 20/02400/FUL) (Appendix 7).</p> <p>Application 20/01875/FUL (Appendix 6) is not included within the Green Belt.</p> <p>As noted in the table within Appendix 2, application 13/02946/FULM (site plan in Appendix 4) cannot be built out as approved because development has occurred pursuant to a later grant of planning permission (granted in 2021).</p> <p>Application 16/01095/FUL relates to animal shelters and enclosures located to the south of the proposed boundary. This permission has been implemented however this area is not proposed to be excluded from the Green Belt. The animal shelters and enclosures in this location are spaced out, set back and well screened by the surrounding vegetation and therefore retain a sense of openness.</p> <p>All recent planning permissions have been taken into account in defining the Green Belt boundary.</p>
Growth requirements	The Council's approach to the Green Belt (e.g. policies GB1, GB2 and GB3) in relation to Askham Bryan College is at odds with Policy ED7, and wider	As noted in the Areas of Agreement above, the Council is supportive of the growth of the College.



	<p>student housing, levelling up, food security, and Bioeconomy objectives. The proposed Green Belt boundaries (Council's proposed modification 29th June 2022) would still unduly restrict the College's ability to evolve its curriculum, provide student accommodation and to access existing and future funding opportunities with the educational enhancements that would follow.</p>	<p>Although the College has prepared a masterplan for the redevelopment of the site, there have been no pre-application discussions on this.</p> <p>The appropriate mechanism for any proposed redevelopment or expansion will be for the College to submit a planning application and demonstrate very special circumstances if required.</p> <p>All existing planning permissions on the site have been taken into account in defining the Green Belt boundary.</p> <p>At this point in time, the College has not submitted a planning application or undertaken any pre-application discussions for further expansion and therefore a consistent and proportionate approach has been taken in defining the Green Belt boundary</p>
<p>Future needs of the college</p>	<p>The true picture of the College's future needs is contained in the July 2021 representations (EX/CYC/66i) and outlined below:</p> <ul style="list-style-type: none"> i. In the academic year 2020/21, 3,400 students were enrolled from entry level provision to honours degrees and by 2025/26 growth forecasts are for more than 4,500 students. ii. Existing student residences are oversubscribed and currently over 800 students are reliant on daily transport with some commutes more than 2 hours. iii. The College has adopted 'Vision to 2030' which, over the next 5-10 years, will see the College strengthen its status as a higher and further education provider, student residence provider, business incubator, and global and national centre of excellence for both the Bioeconomy and nature conservation. iv. The College has prepared its 'Development of the College Estate to Meet Strategic Objectives' including Masterplan 	<p>As per above.</p>

	<p>(approved by Governing Body December 2021) which demonstrates the 2030 Vision and development needs of the College. This requires significant replacement and additional built form in the short to medium term, so that the footprint and volume would undoubtedly impact on openness of the Green Belt.</p> <p>These proposals would be treated as inappropriate development in Green Belt, providing uncertainty for forward planning and seriously impacting upon the College's ability to bid for funds for developments upgrading and modernising the built facilities, essential to maintain the high-quality education. This would be seriously counter-productive to its aims and objectives, and to its contribution to the success of the Local Plan strategy.</p> <p>v. The Bio-Yorkshire major initiative is a partnership between the College, University of York and FERA Science Limited, Sand Hutton, York. It is actively engaged in securing capital and revenue funding from Government as part of the Devolution Deal to facilitate the creation and delivery of a strategic and co-ordinated programme that will establish York and North Yorkshire as the UK's global centre of excellence for bio-economy solutions.</p> <p>vi. This will contribute to York and North Yorkshire's ambition to become the nation's first carbon-negative region through innovations such as low carbon farming. This is anticipated to fund a sizable expansion of the College, along with other identified funding opportunities. This scheme is strongly supported by the City Council and yet it could be frustrated by its Green Belt status.</p>	
Policy ED7	<p>The local plan policy related to the College therefore contains irreconcilable objectives. Policy ED7 is supportive of its growth, which is welcomed, recognising the College as THE provider of high-quality education on the rural economy and the environment serving the city and region, in terms of its major contribution to education, skills, economic growth and the contribution it will make to realising the Local Plan objective of making "York a world class centre for education".</p>	<p>The proposed modification to remove an element of the Askham Bryan College campus from the Green Belt aligns with the policy text for ED7 and provides greater ability for the college to develop its operations within the proposed inset boundary.</p>

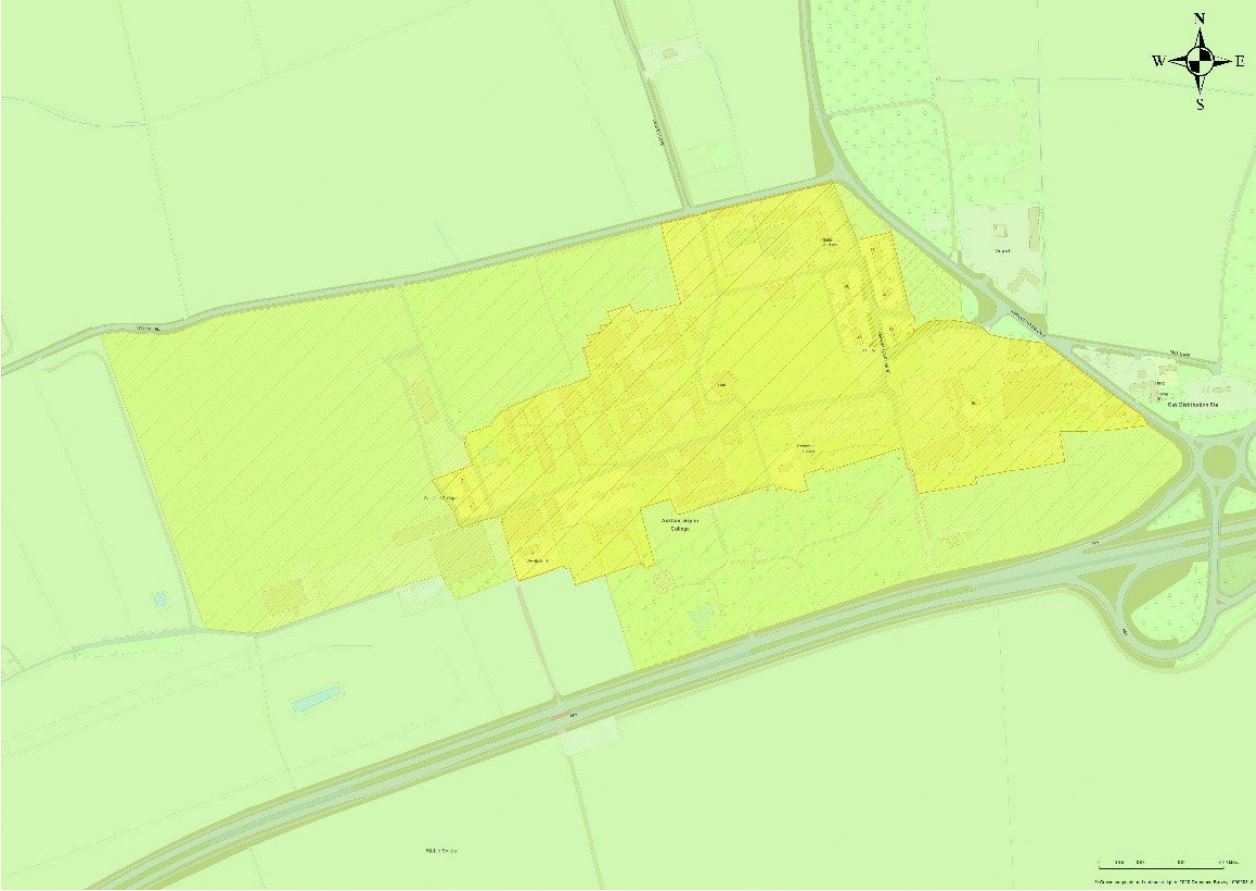
	<p>However, without any up to date and publicly available evidence base, the conclusion in §7.25 of EX/CYC/59 is that:</p> <p><i>“Askham Bryan College is a rural college, which is not considered to be within the urban area and it is anticipated to have the capacity to meet its needs without the need to reduce openness”</i></p> <p>The Council’s approach to locating the College in Green Belt is unduly restrictive and hugely constraining on the implementation of Policy ED7 to contribute to the Local Plan Strategy and to make its contribution to the local, regional and national scene for rural education and Bio-economy research.</p>	
<p>Appendix 2 of the CYC Matter 2 Statement</p>	<p>References within Appendix 2 of the CYC Matter 2 Statement to planning permissions for agricultural use and therefore being acceptable Green Belt uses are incorrect (i.e. paragraph 4, 7, 8 of Appendix 2 of the CYC Matter 2 Statement). The Officer reports paragraph 5.10 for planning permission 20/01923/FULM and paragraph 4.7 for 13/02946/FULM both contradict the Councils position, the former states <i>“The proposed development does not fall within the exceptions set out in paragraph 145 of the NPPF, because the ‘agricultural’ building is considered to be an educational building as that is its main purpose”</i></p> <p>The latter at Paragraph 4.7 of the Committee report states: <i>“Much of the proposed development does not fall within the exceptions set out in paragraph 89 the NPPF, these elements include both animal management centres and associated outside enclosures, the aviary, the bird of prey centre, the equestrian building, the 2 no. gatehouses, the silage clamp and the agricultural storage and livestock buildings (for the purposes of the assessment against green belt policy the ‘agricultural’ buildings are considered to be ‘educational’ buildings)</i></p>	<p>CYC acknowledges that both 20/01923/FULM and 1302946/FULM were granted permission based on very special circumstances rather than as agricultural or other acceptable Green Belt uses.</p> <p>This does not preclude future applications being approved if the uses would be acceptable uses within the Green Belt or VSC were demonstrated.</p>
<p><i>College Campus Boundary</i></p>	<p>The Policies/ Proposals Map should include the land between the A64 and the southern boundary of the school within educational uses.</p> <p>CD013N -annex 13 Pre-Publication Draft Local Plan Regulation 18 consultation statement (2018)</p>	<p>CYC agrees that the area relating to the planning permission 16/01095/FUL should be included within the educational use boundary (Appendix 8) and a modification is proposed to amend this. This area is</p>

	<p>p187-188) summarises representations made on behalf of the College as follows:</p> <p><i>“...the area shown on the Proposals Map between the yellow shading and the A64 now has planning permission for a Wildlife and Animal Conservation Management [area]. This area has a number of animal houses that are buildings of a permanent nature. There are proposals to extend the number of animal houses in the future. The area is an important teaching resource for students, because it provides them with the opportunity to learn, and care, for a wide variety of species. It also provides an opportunity for schools to access the teaching resource. This area is, therefore, an important element of the existing teaching facilities of the College, and so it should be included within the extent of the campus designation shown on the Proposals Map.”</i></p> <p>4.10 Despite the representations above, and the implementation of the planning permission (reference: 16/01095/FUL dated 18 July 2016) for the Wildlife and Animal Conservation Management Centre, and CD013D page 255 (annex-3-council-executive-report-25th-january-2018-including-annex-a-and-the-associated-minutes) stating that there would be <i>“Clarification of the extent of the boundary on the proposals map proposed in line with consultation comments”</i>, the area shaded yellow showing Askham Bryan College on the proposal map remained unchanged in the pre-publication draft (regulation 18 consultation document September 2017, reference SD022B, and the publication draft policies map reference CD004B which is the latest iteration.</p>	<p>not proposed to be excluded from the Green Belt. The animal shelters and enclosures in this location are spaced out, set back and well screened by the surrounding vegetation and therefore retain a sense of openness.</p> <p>Appendix 2 of the CYC Matter 2 Statement has been revised and attached to this SoCG as Appendix 9 to acknowledge the animal shelters and enclosures in this location recognising that they have an educational use however their location, siting and screening enables a sense of openness to be retained. For clarity and completeness, the whole of Appendix 2 of the CYC Matter Statement has been included in Appendix 9 of this SoCG however only paragraph 9 has been amended. No further changes have been made.</p>
--	---	--

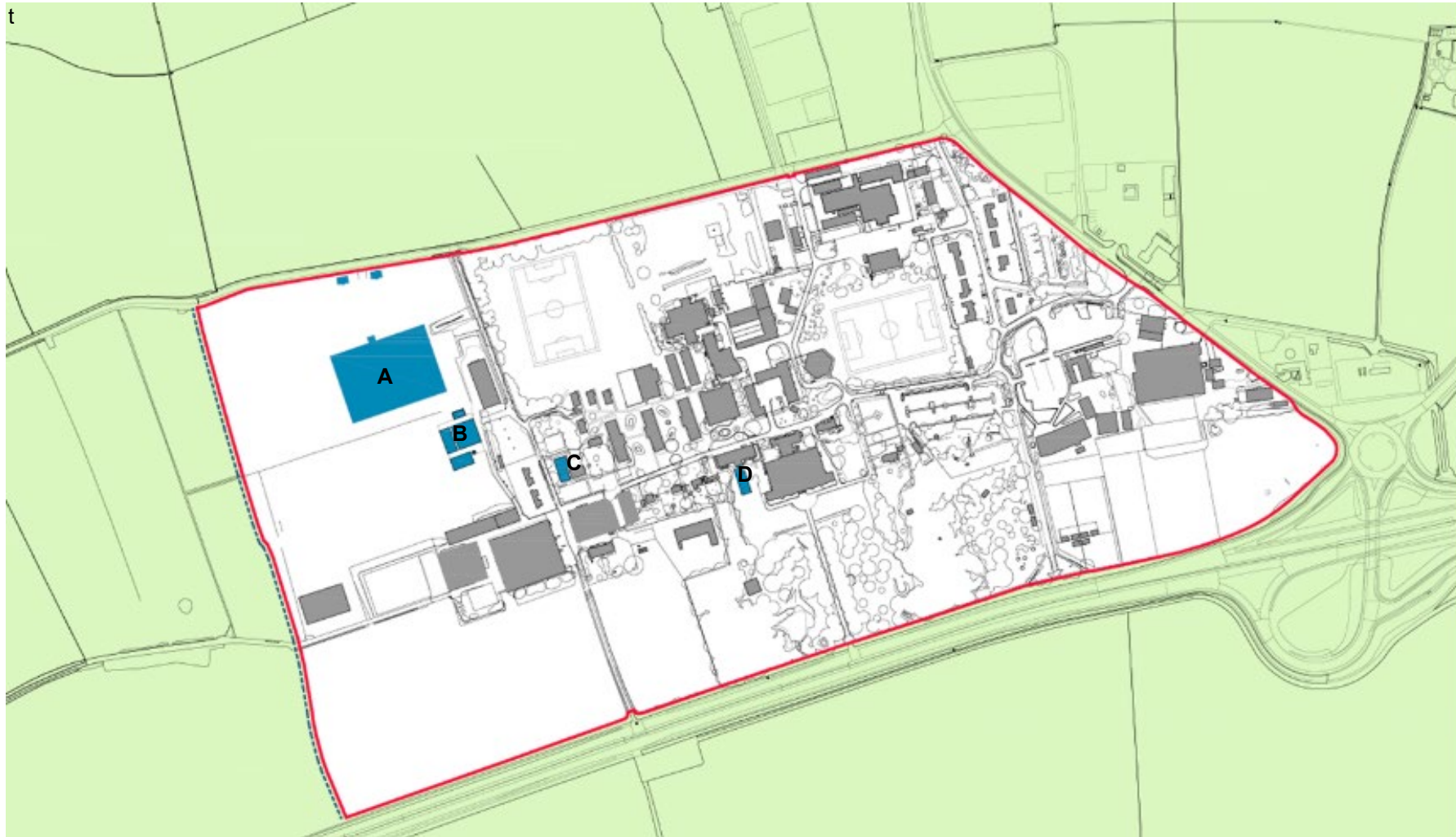
Endorsement

City of York Council		
<i>Name and Position</i>	<i>Signature</i>	<i>Date</i>
Neil Ferris Corporate Director of Place		29/09/2022
Askham Bryan College		
<i>Name and Position</i>	<i>Signature</i>	<i>Date</i>
Tim Whittaker Principal and Chief Executive		22/09/2022

APPENDIX 1 CYC proposed Green Belt (darker yellow) and educational boundary (lighter yellow) September 2022 – EX/CYC/113



APPENDIX 2 - College's Proposed Green Belt Inset including existing buildings (grey) and buildings with planning permission (blue)



The following table provides the most recent planning history:

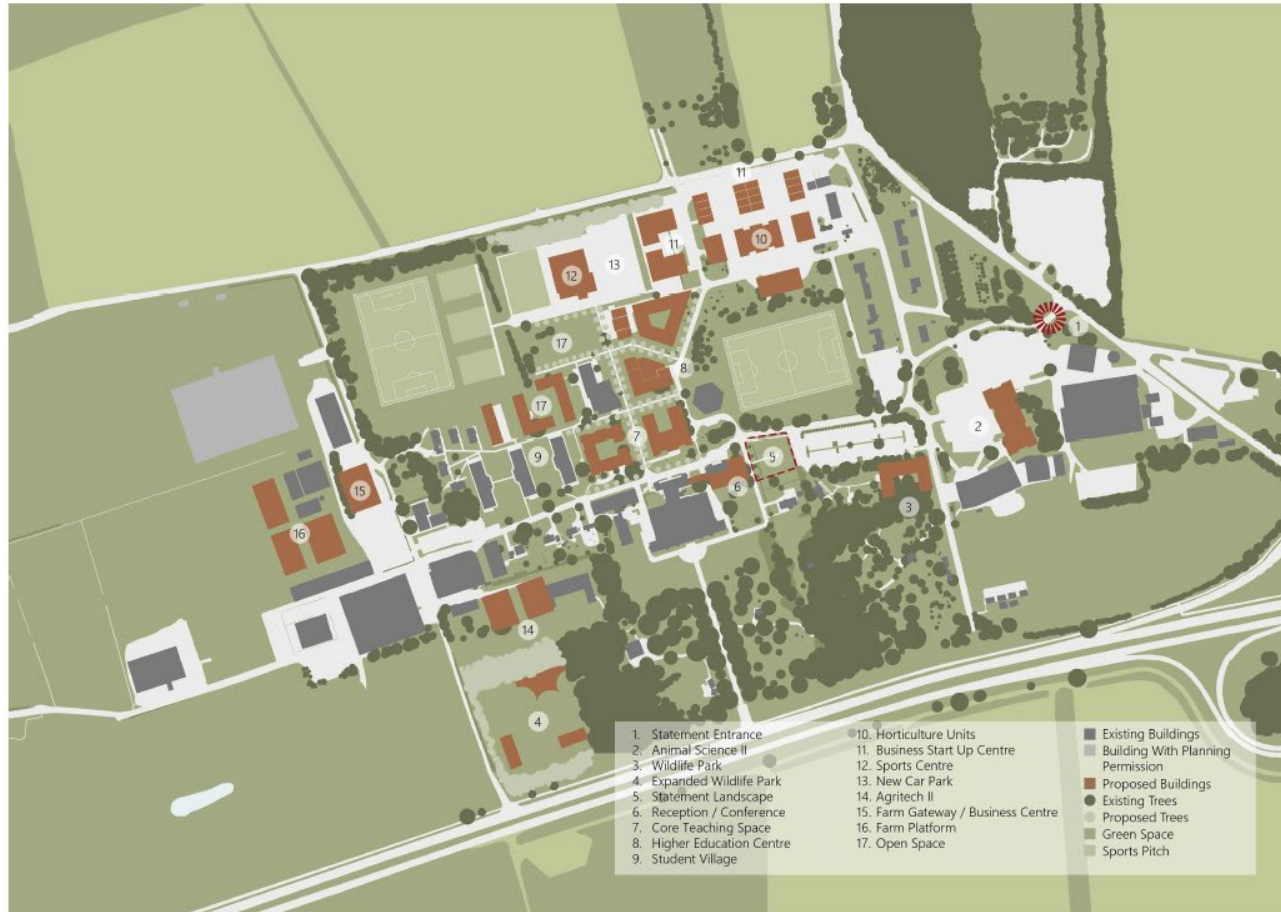
Map reference	Planning Permission reference	Date of Permission	Description of development	Comments	Current Status
A	13/02946/FULM	13 th February 2014	Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation of ponds, change of use of existing buildings, temporary student accommodation and providing glazed roof to existing quadrangle	Approved site layout plan contained with Appendix 4	Partially Completed 2015 (including animal management centre, silage, heffer extension, portakabins) Equine Centre, and main building atrium has not been implemented
B	20/01923/FULM	30 th July 2021	Erection of 2 no. cattle buildings, 1 no. hay/straw storage building, 1 no. enclosure, 2 no. tanks, and hardstanding for use as a beef rearing unit	Approved site layout plan contained with Appendix 5	Completed March 2022 except for straw storage which has not been implemented

C	20/01875/FUL	17 th September 2020	Erection of detached single storey teaching block	Approved site layout plan contained with Appendix 6	Completed March 2022
D	20/02400/FUL	16 th February 2021	Extension to the Learning Resource Centre	Built out – Approved site layout plan contained with Appendix 7	Completed March 2022

It is not clear that the buildings as approved can all be built out pursuant to the 2013 planning permission because development has occurred pursuant to a later grant of planning permission (granted in 2021) which appears to be inconsistent with some of the buildings in blue. To the extent that the College wishes to rely on the 2013 permission, it will need to overcome this issue.

It should be noted that the Proposed Campus Masterplan to 2030 (appendix 3 below) does not rely on building out the 2013 consent any further.

APPENDIX 3 – Proposed Campus Masterplan to 2030




Note: Do not scale. Only use figured dimensions. All discrepancies to be notified to this office.

Rev	Description	Dr	Date
-----	-------------	----	------


STATUS			MASTERPLAN		
EVANS McDOWALL ARCHITECTS					
621 Sparkhouse Studios, Rope Walk, Lincoln, LN6 7DQ Tel: 01522 837280 Email: mail@emodarchitects.com					
CLIENT					
ASKHAM BRYAN COLLEGE					
PROJECT					
Campus Masterplan					
TITLE					
Proposed Development					
DRAWN BY		CHECKED BY		DATE	
SW		EMA		June 2021	
SCALE			PROJECT NUMBER		
NTS @ A1			2125		
DRAWING NUMBER				REV	
MP01				00	

BUILDING REFERENCE KEY

AMC1	Animal Management Centre 1
AMC2	Animal Management Centre 2
E1	Equine Centre
E2	Equine Loose Boxes
E3	Gatehouses
ENG1	Engineering Block
FM1	Extension to Helper Shed
FM2	Farm General Purpose & Livestock
FM3	Silage
FM4	Farm Reception
MB1	Main Building Atrium & Entrance
SV1	Student Village
SV2	Westfield Fold
SV3	Temporary Portakabin Accommodation
TB1	Teaching Block

 Application site plan boundary line

 Other land in the Applicant's ownership

 Perimeter fence line to Wildlife + Conservation Area

 New Animal Shelter

 New Wet Weather Shelter



Denotes new buildings;
Full planning application.



Denotes existing buildings to be converted;
Full planning application.



Denotes existing Equine buildings.



Denotes new buildings;
Outline application.



Denotes conversion/redevelopment;
Outline application.



Denotes new external animal enclosure.

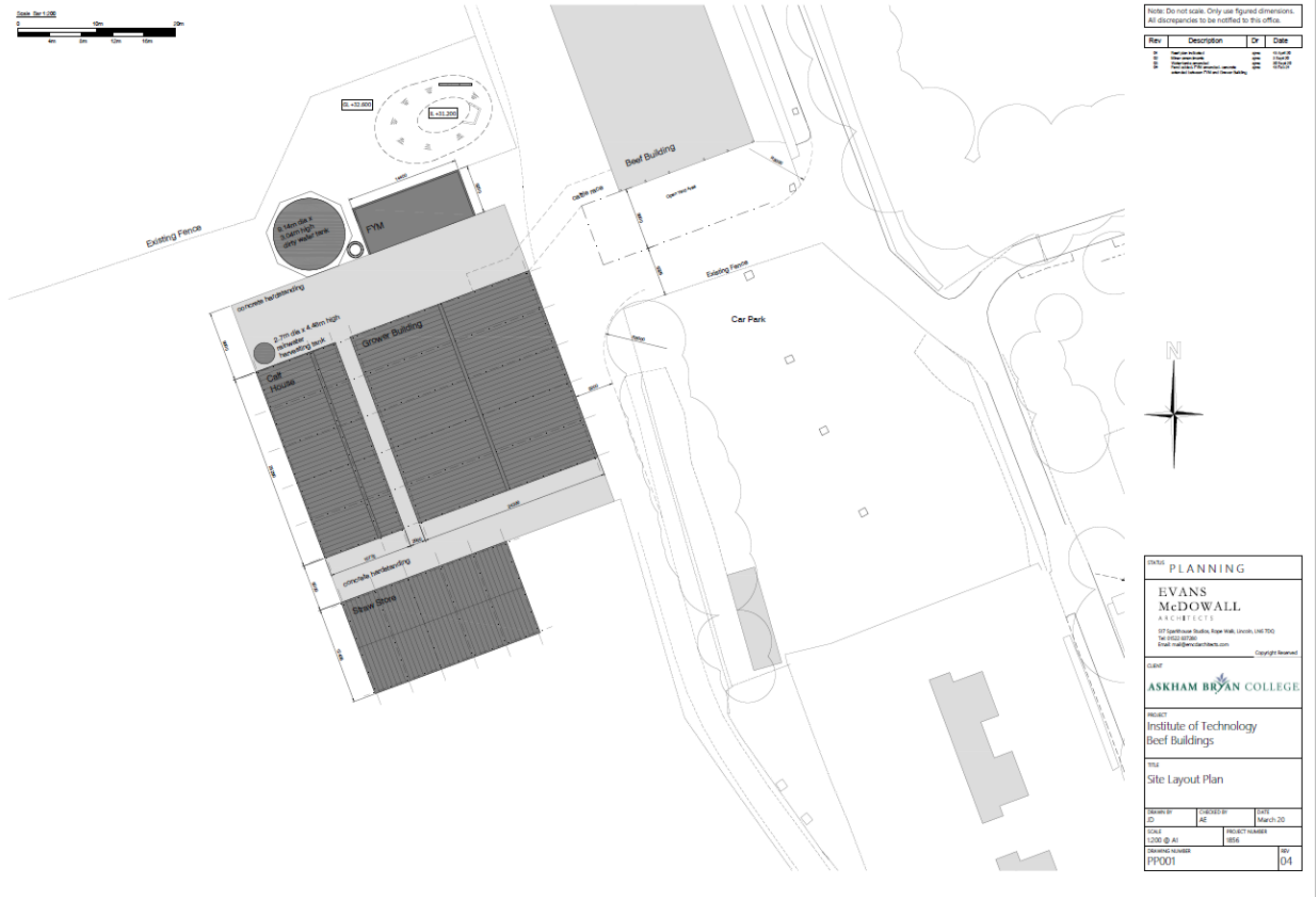


Denotes existing wildflower meadow to be retained.



Denotes existing trees to be removed

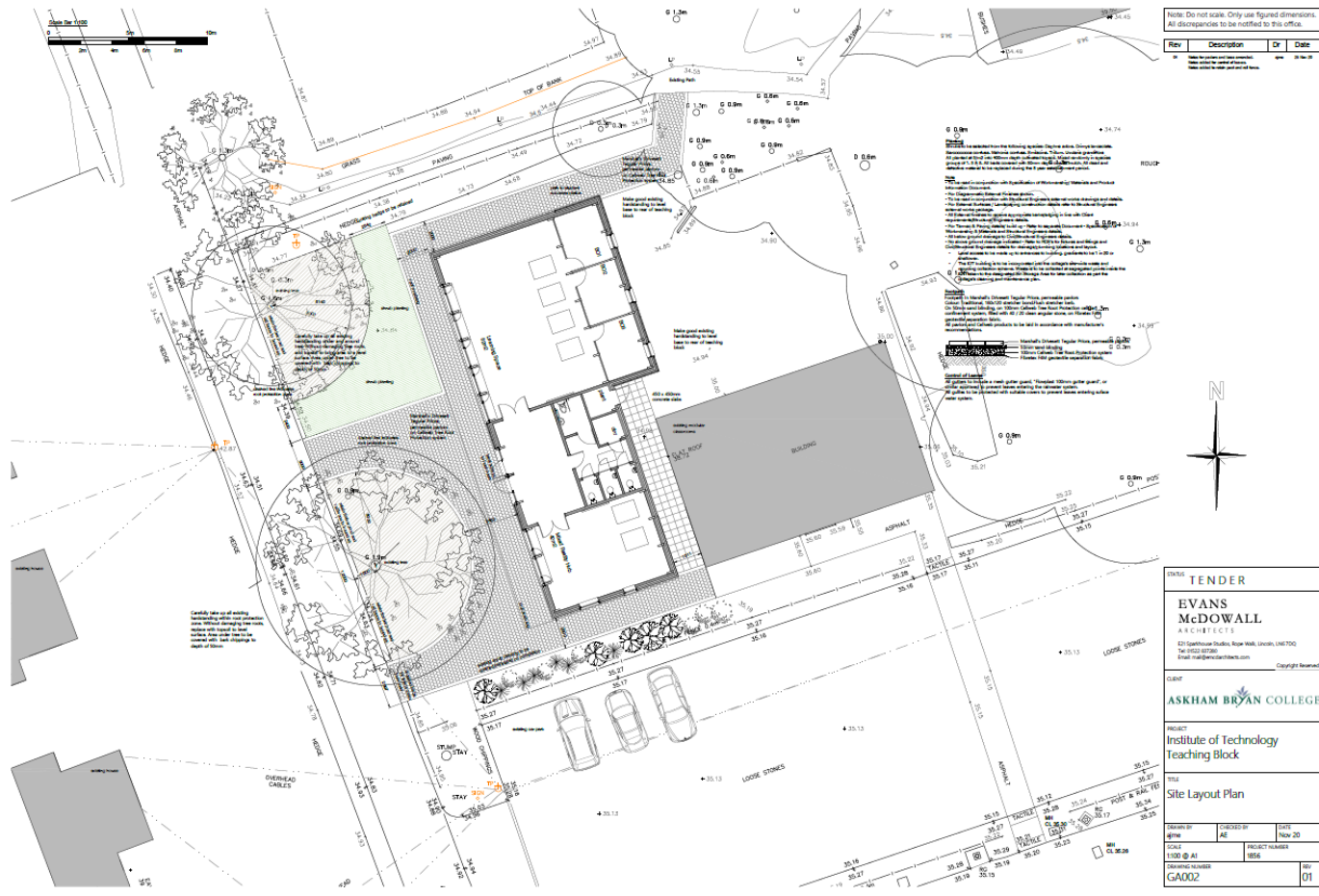
APPENDIX 5
Approved layout plan 20/01923/FULM



Completed building approved by 20/01923/FULM



APPENDIX 6
Approved layout plan 20/01875/FUL





Above photograph of the completed extension to the learning resource centre. The Council's proposed Green Belt inset has not taken account of this building.

APPENDIX 8

Local Plan Submission Version Policies Map South showing the education allocation for the College



APPENDIX 9

CYC Matter 2 Statement, Appendix 2 – Revised Version

(Note: only paragraph 9 has been amended, no further changes have been made)

Statement on Askham Bryan Green Belt Assessment Review

1. Askham Bryan College has been reassessed in accordance with the methodology set out in Paragraph 6.26-6.30 of TP1 (EX/CYC/59). Scoping Principle 5 states 'villages or development not entirely subsumed and/or that retain a separation from the main urban area need to be considered separately in relation to their contribution to openness.' Paragraph 86 of the NPPF therefore applies. Paragraph 6.26 of TP1 confirms that there are two aspects to paragraph 86 NPPF: whether the urban area has an open character, and secondly, whether this open character makes an important contribution to the openness of the Green Belt.
2. In assessing the first aspect of paragraph 86, it is necessary to consider the density of built development and how this differs across the area, the extent of developed land, the scale and form of development, the extent of open spaces, and the distinction between the built-up character of the area and surrounding open land.
3. In completing this assessment, a site visit of the College has been undertaken at various points within the campus to consider whether it has an open character. Upon completion of this part of the assessment, the boundaries were then considered and assessed during the site visit.
4. Askham Bryan College is a well-established college campus comprising a range of modern and traditional educational facilities linked to agricultural uses. The campus buildings are of varying scale and form. They include brick built buildings of 1-3 storeys, large sheds, temporary modular buildings, and semi-detached residential properties with gardens. Internal access roads and surface car parks are located throughout the campus. The campus is set amongst mature, natural landscaping. The campus is set back from the A64 and is heavily screened to the south. There are some gaps within the campus comprising playing fields but overall it is extensively developed and these open areas do not connect into the wider surrounding Green Belt. Where the campus abuts York Road and Askham Fields Lane, there are clear views into the campus and the scale of built form is evident from these roads. There is a clear distinction between the built-up area and the surrounding open fields and agricultural uses (particularly to the west). Planning permission has recently been granted to the west of the campus for new agricultural buildings however such uses are acceptable uses in the Green Belt. Applying the methodology set out above, the college does not have an open character. Consequently, the second aspect of paragraph 86 does not apply.
5. Overall, the developed area of the campus exhibits a low degree of openness and does not contribute to the openness of the Green Belt. Askham Bryan College should therefore be inset within the Green Belt.
6. A map showing the proposed Green Belt boundary around Askham Bryan College is appended to this Statement. A clear and defensible Green Belt boundary has been defined in accordance with the boundary definition methodology set out in Section 8 of TP1 (EX/CYC/59). The boundary has been defined using physical features that are readily

recognisable and likely to be permanent, it does not include land which it is unnecessary to keep permanently open, it ensures consistency with the Local Plan Strategy, and the approach applied is consistent to the other education establishments adjacent to the York Green Belt.

7. The proposed boundary wraps tightly around the built curtilage of the campus. The northern boundary consists of a section of York Road, the built footprint of the northern extent of the college campus (which includes student accommodation, teaching blocks, science lab, vehicle workshop and indoor sports facilities) and a line of mature trees. This boundary is recognisable and provides permanence. The fields to the south of York Road have been included in the Green Belt as it is important to keep these permanently open as they provide a buffer between the campus and York Road. On the approach along York Road, the campus is not visible due to this separation. The proposed boundary will prevent further encroachment into the countryside in accordance with purpose 3. The cow shed and the recently permitted calf sheds to the northwest of the campus are agricultural uses and are therefore acceptable uses to include in the Green Belt.
8. The western boundary consists of the internal roads around the residential properties, the curtilage of the residential properties and the curtilage of the agri-tech building to southwest. This boundary is recognisable and provides permanence. The dairy shed and the other sheds to the west of the campus have been included in the Green Belt as these are agricultural uses and are therefore acceptable uses in the Green Belt. The boundary around these buildings (and around the recently permitted agricultural buildings) would not provide as much permanence and therefore in the interests of permanence, the proposed boundary has been applied.
9. The southern boundary consists of the built footprint of the southern extent of the college campus (which includes the main building, the wildlife park, the veterinary surgery and the dog grooming unit) which is in part defined by areas of woodland and internal access roads. This boundary is recognisable and provides permanence. The land to the north of the A64 consists of open fields and an area with animal shelters and enclosures relating to the College. These are educational uses relating to animal conservation which were permitted under application ref 16/01905. Given that the animal shelters and enclosures are spaced out, set back and well screened by the surrounding vegetation, they retain a sense of openness and have therefore been included in the Green Belt. The land to the north of the A64 provides a buffer and screening between the main built up area of the campus and the A64. The south eastern corner of the college is located in close proximity to Copmanthorpe, albeit separated by the A64 and slip roads, however it is important to maintain the separation and prevent the coalescence of these two distinct areas in order to protect Purpose 4.
10. The eastern boundary consists of Askham Fields Lane, the internal access roads and the built curtilage of residential properties. This boundary is recognisable and provides permanence. The areas of open space to the rear of the residential properties has been included in the Green Belt as they provide a buffer between Askham Fields Lane and the campus.

11. Alternative boundaries would be to utilise the surrounding road infrastructure around the campus (York Road, Askham Fields Lane, and the A64) however this would risk encroachment into the countryside which would harm Purpose 3 of the Green Belt.
12. A clear and defensible Green Belt boundary has been defined around Askham Bryan College in accordance with the methodology. The proposed boundary as per the modification is therefore sound