



Place Directorate

City of York Council
West Offices
Station Rise
York
YO1 6GA

Date: 27 October 2023

Inspector Simon Berkeley BA MA MRTPI
Inspector Paul Griffiths BSc(Hons) BArch IHBC
C/O Carole Crookes
Independent Programme Officer Solutions
PO Box 789
Wakefield
West Yorkshire
WF1 9UY

Dear Mr Berkeley and Mr Griffiths

I write in response to your request for the Council's views regarding York College correspondence dated 16 October 2023 [[EXOTH37 a-b](#)].

Additionally, we trust it is helpful to set out the Council's position and observations in relation to the published appeal decision for New Lane, Huntington dated 23 October 2023 [[EXOTH38](#)] to feed into your consideration of the implications for the plan.

York College

The submission policies map (2018) [CD004b] deliberately included land to allow for the extension of built development at York College under Policy ED7. A proposed change to the submission boundary was identified as part of our Local Plan Proposed Modifications Consultation (2021) (PM95) [[EX/CYC/58](#)] and presented within the Green Belt Assessment Addendum (2021), within the same consultation [[EXCYC59a-e](#)]. Education matters were subsequently discussed at Phase 3 hearing sessions in May 2022 prior to which there was an opportunity to comment on the matters to be discussed.

As a result of the hearing sessions and requested further work, the Council consulted on an agreed schedule of proposed Main Modifications in February/March 2023, compliant with Regulation 19, 20 and 35 of the Town and Country Planning Act (as amended). As part of this consultation both the Green Belt and Education boundaries at York College were proposed to be

modified under Policy Map Modification PMM44¹ with the reason of the proposed change to be *Amendment to the boundary to follow the currently identifiable features of the edge of the existing sports pitch to the east and the northern carriageway of Sim Balk Lane to the south for consistency with the Green Belt methodology*. To confirm, no representations were received regarding PMM44, as stated in our consultation statement [[EX/CYC/123bii](#)].

There have been multiple opportunities for the college to engage with the Local Plan process regarding the Educational Establishment designation (regarding policy ED7) and the Green Belt boundary in this location (Policy SS2). These comments have been submitted outside of this formal process for consideration and on that basis, it is our opinion that this matter should not be dealt with in detail now.

However, should you be minded to address the issue of consistency regarding the educational establishment boundary following your previous queries to the Council on this matter, we would suggest a minor modification to include the adjacent playing pitches as part of the existing curtilage of the college.

New Lane, Huntington Appeal decision

The appeal Inspector is clear that, ahead of the adoption of the boundaries through the Local Plan, the 'Wedgwood Judgment' prevails in determining whether or not land should be considered as Green Belt and consequently applies this to the land identified in the appeal. Having considered this with our legal advisors, we consider this a site-specific decision limited to the land identified in the appeal.

We welcome the appeal Inspector's recognition that in deciding whether or not the methodology set out in the Green Belt Topic Paper Addendum (2021) [[EXCYC59](#)] "*...is appropriate and robust is a matter for the local plan Inspectors*" (para 298).

Since the Inspectors appeal hearing and written report for New Lane, the York Local Plan Examination process has significantly progressed. We consider that a robust process to determine the approach to the Green Belt and the defined Green Belt boundaries has been conducted through your examination process, which has included the public sessions as part of Phase 2 Matter 7 Green Belt - Approach to Setting the Green Belt Boundaries and Phase 4: Matter 1 - Green Belt Boundaries. Subsequently, because of these discussions, we have:

- Received your request [[EXINS43](#)] for further consideration of Green Belt boundaries and responded to this in December 2022 [[EXCYC120](#) and [EXCYC120a & b](#)];

¹ [PMM 44: York College \(Policies Map South\) - Local Plan Consultation 2023 – City of York Council](#)

- Agreed the proposed Main Modifications to policies and the policies map;
- Held our regulatory 6 week Main Modifications consultation in February/March 2023; and
- Received your request to consult on additional modifications to the Green Belt in August 2023 and responded to this consultation [[EX/OTH/34/ABAC2](#) & [EX/OTH/35/RET4](#)].

We welcome the Inspectors recognition in their conclusions that the land beyond the cemetery and cycle path to the south is open countryside and that *“Although the site is a historically managed landscape, the compactness and landscape setting of the city is already protected by the countryside beyond the cycle path”* (para 318). We also welcome their conclusion that *“the site is to the north of Monk Stray and a green wedge which both contribute to the setting of the historic town, as defined in HTP 2014, as they provide a legible area of openness through which there is an approach to the core”* (para 314).

We also draw your attention to their conclusions, which identify the cemetery and cycle path beyond to be the relevant permanent boundary concluding *“...the part that is undeveloped has planning permission for the expansion of the cemetery with a cycle path beyond it. The boundaries to these areas have physical features that are readily recognisable and likely to be permanent.”* (para 326). They go on to conclude that *“...Any encroachment into the countryside on this site would be contained by the permanent boundaries and the permanent development beyond it. The more rural character of the city beyond the cemetery and cycle path would not be unacceptably influenced by its development due to the degree of severance of the site from the open countryside and the adjoining development...”* (Para 327).

We trust the above is helpful to you and await your consideration of this matter in detail.

Yours Sincerely



Neil Ferris
Corporate Director of Place