

Keith Aspden
City of York Council
Email: cllr.kaspden@york.gov.uk

Friday 17 February 2023

Dear Keith Aspden,

Provision for Gypsy, Roma and Traveller communities in York's Local Plan

The Equality and Human Rights Commission has a [long-standing commitment](#) to addressing inequalities and discrimination experienced by members of the Gypsy, Roma and Traveller (GRT) communities. We understand that you are in the process of finalising your Local Plan, and I am writing to express our concerns that the Plan will not meet the longer term needs of the Gypsy, Roma and Traveller community for residential sites.

Romany Gypsies and Irish Travellers are legally recognised as ethnic groups and therefore their ethnic identity is a protected characteristic under the Equality Act 2010. As you will know, York Council is required to adhere to the [Public Sector Equality Duty](#) (PSED), arising from the Equality Act 2010. The PSED requires public authorities to:

T: 0161 829 8100
E: correspondence@equalityhumanrights.com

Arndale House, The Arndale Centre
Manchester, M4 3AQ

equalityhumanrights.com

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The public sector equality duty in the Equality Act requires active consideration of equality across your work, including in the development of your policies and the use of your powers. This means thinking about the equality implications of decisions, monitoring impact, and taking action if necessary.

We understand that York Council's current proposal is to extend the Osbaldwick site on Outgang Lane. As you will be aware, this site is considered to be in poor condition and is located at some distance from local amenities. The York Travellers Trust has advised us that delivery drivers, postal workers, Council officials and police avoid the site. I understand that residents have raised concerns about air pollution caused by brick dust and traffic from the neighbouring industrial estate, and there is a lack of safe outdoor space. Members of the community feel that the location of the site contributes to the social exclusion they already experience. I note that according to York Council's [own report](#), access to GPs, hospitals and secondary schools from the

T: 0161 829 8100

E: correspondence@equalityhumanrights.com

Arndale House, The Arndale Centre
Manchester, M4 3AQ

equalityhumanrights.com

Osbalwick and Derwent ward is considered an “area of concern” (page 3). I note also from looking at the Indices of Multiple Deprivation data which you reproduce in this document that the LSOA in which the Outgang Lane site is situated scores as the most deprived area in the ward across nearly every measure. When making decisions in the Local Plan about accommodation for the GRT community, York Council should consider how these factors may adversely affect equality of opportunity between GRT people and other groups, and good relations between GRT people and other inhabitants of York.

Proper performance of the [specific duties](#) applicable to public bodies under the Equality Act 2010 will help York Council to comply with the general duties of the PSED. One of these specific duties requires you to publish information about groups sharing protected characteristics with respect both to your employees and those who use your services. I note from your website that you provide [detailed information](#) about the different wards in York. However, the 29-page document about the ward of Osbalwick and Derwent does not contain any mention of the GRT community or the Outgang Lane site. The breakdown of the ward’s ethnicity groups (page 4) does not include information about ethnic Romany Gypsies or Irish Travellers; the information provided about the “BME Community” excludes the “White Other” group. Gathering and publishing information about members of the GRT community who access the current site would assist in fulfilment of your duties under the PSED. In addition, York

T: 0161 829 8100

E: correspondence@equalityhumanrights.com

Arndale House, The Arndale Centre
Manchester, M4 3AQ

equalityhumanrights.com

Council should ideally publish equality analyses for decisions made in its Local Plan.

I note that York declared itself the UK's first Human Rights City in 2017. By complying with its duties under the Equality Act, York Council will be better able to demonstrate its commitment to equality and human rights for all of its citizens.

I look forward to receiving your acknowledgement of this letter, and I would request that you inform us of the decision regarding facilities for the York GRT community in the finalised Local Plan.

I am copying this letter to the York Travellers Trust.

Yours sincerely,



Jacqueline Killeen
Chief Regulator

T: 0161 829 8100

E: correspondence@equalityhumanrights.com

Arndale House, The Arndale Centre
Manchester, M4 3AQ

equalityhumanrights.com



Place Directorate

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

Jacqueline Killeen
Chief Regulator
Equality and Human Rights Commission
Arndale House, The Arndale Centre
Manchester
M4 3AQ

Our Ref: NJF
Date: 14 March 2023

Sent via email: Rebecca.Grant@equalityhumanrights.com

Dear Jacqueline Killeen,

Provision for Gypsy, Roma and Traveller communities in York's Local Plan

Thank you for your letter dated 17 February 2023 addressed to Councillor Keith Aspden, which I have been asked to respond on his behalf regarding the provision for the Gypsy and Traveller community in our new Local Plan. We welcome your engagement and trust that the following is helpful in summarising the Council's position.

We intend to successfully deliver on our duty to provide suitable accommodation for different communities as part of delivering a new local plan for the city.

We are currently consulting on main modifications to the submitted Local Plan following the conclusion of four phases of examination hearings with our appointed Inspectors held between 2019-2022. The modifications have resulted from the examination process to satisfy the Inspectors that the plan will be 'sound'. This statutory consultation ends on 27 March 2023 following which the responses will be considered in detail by the Inspectors. The Inspectors will then set out their conclusions on the submitted Local Plan and the proposed modifications in their final report. The Inspectors will also set out the final modifications they consider necessary.

The submitted Local Plan addresses the issue of Gypsy and Traveller provision in policy H5. The policy is supported by evidence and responds to matters raised during earlier consultation stages, including comments from the York Travellers Trust. We have sought to ensure through our Examination process that our supporting evidence base is up-to-date, producing a Gypsy and Traveller Accommodation Assessment (2022) to inform the Examination and the subsequent proposed modifications. Additionally, we are keen for our engagement to continue with the York Traveller Trust and the Gypsy and Traveller community in York to ensure that future provision is of a suitable design and standard through the production of a Supplementary Planning Document.

We embed an equalities assessment in our decision-making process, and publish it, to ensure the relevant issues have been considered and this practice will continue as the Local Plan proceeds to adoption and would also apply to decisions in respect of the adoption of the proposed specific GRT Supplementary Planning Document that we intend to develop with the GRT Community. This approach will thereby inform the multiple GRT sites proposed on new Strategic sites across the City as well as the smaller number of additional pitches on existing sites. Decisions already taken have impact assessments available online together with our Local Plan reports for transparency.

In respect of local services within the Osbaldwick and Derwent Ward the Local Plan proposes a new strategic site just North of Outgang lane making provision for 845 homes with obligations to bring forward community facilities such as those you mention in your letter which are currently in deficit in this part of the City. Thereby addressing not just the proper expectations of the GRT community but the community as a whole.

Specifically, the issues that you raise with regard the existing GRT site at Outgang lane Osbaldwick these are not matters that the Local Plan has any power to address. They are however issues that having been raised can, are and will be addressed by the Council both in respect of the current site and any detailed planning applications that would be necessary for a proposed extension of the site or the multiple new GRT sites that are proposed in the Local Plan across the City.

To this end on the existing site since this the issue of dust pollution was raised through the Public Local Plan Decision sessions the Councils Environmental Health Team have already undertaken multiple regulatory visits both, to sites we regulate through Environmental Health and a joint Site visit with the Environment Agency as regulator for the neighbouring industrial Estate with further follow up visits proposed.

In respect of the omitted Data set for the Osbaldwick and Derwent Ward we are working to address the publication of this data this having now been drawn to our attention.

We shall look forward to confirming the outcome of our Examination process with you, as requested in your letter. Should you wish to discuss these matters with us in the meantime, we would be happy to set this up with relevant officers to enable there to be a constructive discussion.

Yours sincerely



Neil Ferris
Corporate Director of Place

Cooke, Alison(City Development)

From: Cooke, Alison(City Development)
Sent: 16 March 2023 11:37
To: Ferris, Neil; Rebecca Grant
Cc: Angus Cleary
Subject: RE: Response to Letter from the Equality and Human Rights Commission

Hi Rebecca

I trust the following is helpful to navigate you to our published information. Given the long timescale for preparation of the Local Plan, I have started from our decision to submit the plan at Council in May 2018 together with our submitted core documents and evidence base. Do let know should you need anything further.

Full Council Meeting resolving to submit Local Plan for EiP

[17 May 2018](#) – see [Annex H](#) EqIA

Submitted Local Plan Core Document and Evidence Base Library (2018)

All documents are available via our [Local Plan Examination Webpage](#) and the documents download page: [Local Plan Submission Documents 1 – City of York Council](#)

- [CD019](#) – City of York Local Plan EqIA (incorporating the better decision making tool) (2018)
- [SD027c](#) – Executive 13 July 2017 Annexes – See Annex 11: Better Decision Making Tool.
This supports [SD027a](#) (Executive Minutes) and [SD027b](#) (Executive Report) wherein the decision was taken to proceed to Pre-Publication (Regulation 18) consultation. Also available via the Councils website: [Agenda for Executive on Thursday, 13 July 2017, 5.30 pm \(york.gov.uk\)](#)
- [SD028c](#) -Executive 25th January 2018 Annexes – See Annex C: Better Decision Making Tool.
This supports [SD028a](#) (Executive Minutes) and [SD028b](#) (Executive Report) wherein the decision was taken to proceed to Publication (Regulation 19) consultation. Also available via the Councils website: [Agenda for Executive on Thursday, 25 January 2018, 5.30 pm \(york.gov.uk\)](#)
Item 11.

Additionally, at Submission stage of the Local Plan, we completed a ‘Soundness self-assessment Checklist’ (May 2018) [[CD023](#)], which may be of interest to you. This includes our assessment against planning policy for travellers specifically from page 69 onwards but also discusses policies H5 (Gypsies and Travellers) and H6 (Travelling Showpeople) throughout where relevant. We also published the following supporting documents:

- [SD059](#) City of York Gypsy and Traveller Accommodation Assessment Update (2017)
- [SD060](#) CYC Gypsy, Roma Traveller and Travelling Show People Site identification study (2014)
- [SD061](#) Equality and Human Rights Commission – Inequalities experienced by the Traveller communities (2009)

Post Submission in Local Plan EiP (2018 onwards)

- [Executive 7 March 2019](#) – Local Plan Update report resolving to approve a modification schedule for submission to PINS for examination and resolving to progress a further Regulation 19 consultation on the proposed modifications/ updated evidence base. See [Annex G](#) for the EQiA.
- [Executive 25 January 2023](#) – Local Plan report regarding proposed Main Modifications to the plan, associated evidence base and proceeding to consultation. See [Annex 8](#) for the EQiA. See also [Annex 9](#) – Provision for Gypsies and Travellers and Travelling Showpeople paper in response to our Inspectors letter of 16th November 2022..

For completeness, our Updated GTAA (2022) [[EX/CYC/88](#)] was published as part of our Examination Library on 7 July 2022 for discussion during the Phase 3 Examination hearings. Our additional paper regarding Provision for Gypsies and Travellers and Travelling Showpeople [[EX/CYC/121a](#) – same as Annex 9 above) was published into the Examination Library on 15 December 2022.

Kind regards
Alison

Alison Cooke | Head of Strategic Planning Policy (she/her)
e: Alison.Cooke2@york.gov.uk

City of York Council | **Strategic Planning Policy**
Directorate of Place|West Offices |Station Rise |York YO1 6GA
www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)

Working Days: Monday, Tuesday and Thursday

From: Ferris, Neil <Neil.Ferris@york.gov.uk>
Sent: 14 March 2023 13:21
To: Rebecca Grant <Rebecca.Grant@equalityhumanrights.com>
Cc: Angus Cleary <Angus.Cleary@equalityhumanrights.com>; Cooke, Alison(City Development) <Alison.Cooke2@york.gov.uk>
Subject: RE: Response to Letter from the Equality and Human Rights Commission

Good afternoon Rebecca

I am sure Alison who is head of our the Team responsible for the Local Plan will be able to assist I know there is a huge amount of information as part of the Local Plan process so I have copied her in so that she can do so directly.

Regards

Neil

From: Rebecca Grant <Rebecca.Grant@equalityhumanrights.com>
Sent: 14 March 2023 12:31
To: Ferris, Neil <Neil.Ferris@york.gov.uk>
Cc: Angus Cleary <Angus.Cleary@equalityhumanrights.com>
Subject: RE: Response to Letter from the Equality and Human Rights Commission

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon Neil

Many thanks for your helpful letter, which we will share with the York Travellers Trust. We look forward to engaging with you further on these issues.

You say: “Decisions already taken have impact assessments available online together with our Local Plan reports for transparency.” I haven’t been able to find these on your website – please could you send me the relevant links?

Kind regards

Rebecca Grant

From: Simpson, Shirley <Shirley.Simpson@york.gov.uk> **On Behalf Of** Ferris, Neil
Sent: 14 March 2023 09:01
To: Rebecca Grant <Rebecca.Grant@equalityhumanrights.com>
Cc: Angus Cleary <Angus.Cleary@equalityhumanrights.com>
Subject: Response to Letter from the Equality and Human Rights Commission
Importance: High

Dear Rebecca Grant,

Please find enclosed a letter in response to the Equality and Human Rights Commission’s Chief Regulator’s letter addressed to Councillor Aspden of 17 February, in respect of the provision for Gypsy, Roma and Traveller communities in York’s Local Plan.

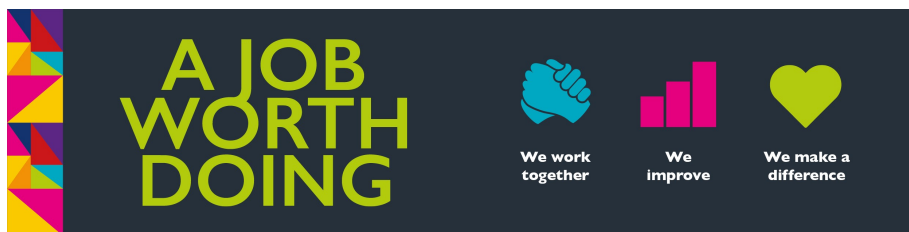
If you require any further clarification, please do not hesitate to me know.

Kind Regards,

Neil Ferris

Shirley Simpson | Executive Assistant
to Neil Ferris, Corporate Director of Place
t: 01904 551301 | e: shirley.simpson@york.gov.uk

City of York Council | Place Directorate
West Offices, Station Rise | York YO1 6GA



From: Rebecca Grant <Rebecca.Grant@equalityhumanrights.com>

Sent: 20 February 2023 10:24

To: Cllr. K. Aspden <cllr.kaspden@york.gov.uk>

Cc: Angus Cleary <Angus.Cleary@equalityhumanrights.com>

Subject: Letter from the Equality and Human Rights Commission

Importance: High

Dear Mr Aspden

I am attaching a letter from the Equality and Human Rights Commission's Chief Regulator, Jacqueline Killeen, regarding provision for Gypsy, Roma and Traveller communities in York's Local Plan.

I would be grateful if you could acknowledge receipt.

Kind regards

Rebecca Grant

Rebecca Grant

Senior Associate, PSED Compliance
Equality and Human Rights Commission
Arndale House, The Arndale Centre,
Manchester, M4 3AQ
equalityhumanrights.com

Our vision and purpose

We're here to stand up for freedom, compassion and justice in our changing times. We do it by promoting and upholding equality and human rights ideals and laws across England, Scotland and Wales. Our work is driven by a simple belief; if everyone gets a fair chance in life, we all thrive.

Legal disclaimer

This email has been originated in the Equality and Human Rights Commission, which is an information and guidance service and not a legal advice service. If you require legal advice, please contact a solicitor. This paragraph does not apply to an individual who is assisted under section 28 Equality Act 2006. This email message, including any attachments, is from the Equality and Human Rights Commission and is intended for the addressee only. It may contain information that is privileged and confidential. If you are not the intended recipient, you must not copy,

distribute or take any action in reliance of it.

Security warning: Please note that this email has been created in the knowledge that Internet email is not a 100% secure communications medium. We advise that you understand and accept this lack of security when emailing us.

If this email message has been sent to you in error, please notify us immediately by replying to this email. The Equality and Human Rights Commission accepts no responsibility for any changes made to this message after it has been sent by the original author. This email or any of its attachments may contain personal data. You must ensure the handling and processing of such data is fully compliant with data protection legislation. To learn more about how we handle, store, use and share your personal information, please see our [privacy notice](#).

The Equality and Human Rights Commission was established by the Equality Act 2006 as the Commission for Equality and Human Rights.

Help protect the environment! please don't print this email unless you really need to.

This communication is from City of York Council.

The information contained within, and in any attachment(s), is confidential and legally privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s), please note that any form of distribution, copying or use of this communication, or the information within, is strictly prohibited and may be unlawful. Equally, you must not disclose all, or part, of its contents to any other person.

If you have received this communication in error, please return it immediately to the sender, then delete and destroy any copies of it.

City of York Council disclaims any liability for action taken in reliance on the content of this communication.

City of York Council respects your privacy. For more information on how we use your personal data, please visit <https://www.york.gov.uk/privacy>

Our vision and purpose

We're here to stand up for freedom, compassion and justice in our changing times. We do it by promoting and upholding equality and human rights ideals and laws across England, Scotland and Wales. Our work is driven by a simple belief; if everyone gets a fair chance in life, we all thrive.

Legal disclaimer

This email has been originated in the Equality and Human Rights Commission, which is an information and guidance service and not a legal advice service. If you require legal advice, please contact a solicitor. This paragraph does not apply to an individual who is assisted under section 28 Equality Act 2006. This email message, including any attachments, is from the Equality and Human Rights Commission and is intended for the addressee only. It may contain information that is privileged and confidential. If you are not the intended recipient, you must not copy, distribute or take any action in reliance of it.

Security warning: Please note that this email has been created in the knowledge that Internet email is not a 100% secure communications medium. We advise that you understand and accept this lack of security when emailing us.

If this email message has been sent to you in error, please notify us immediately by replying to this email. The Equality and Human Rights Commission accepts no responsibility for any changes made to this message after it has been sent by the original author. This email or any of its attachments may contain personal data. You must ensure the handling and processing of such data is fully compliant with data protection legislation. To learn more about how we handle, store, use and share your personal information, please see our [privacy notice](#).

The Equality and Human Rights Commission was established by the Equality Act 2006 as the Commission for Equality and Human Rights.