



Response to Inspectors Letter EXINS44
Gypsy and Traveller Matters

October 2023

1. Introduction

- 1.1. This note provides a response to correspondence from the Inspectors dated 21 September 2023 which stated as follows:

“Draft City of York Local Plan – Provision for Gypsies and Travellers

York Travellers Trust (York Travellers Trust) has provided with us with copies of some internal Council correspondence that they obtained through a Fol request. This is attached.

This suggests that those Council Officers with oversight of the provision for Gypsies and Travellers have outlined serious doubts about the proposed expansion of the Osbaldwick site, and that Officers of the Council were well aware of the likely problems when the proposed expansion was put forward. Obviously, this is a matter of profound concern to us, and we are left to conclude that the points made by York Travellers Trust in their response to the MM consultation may well have some merit. That is an uncomfortable position to be in at this stage of the examination process.

*In the **first instance**, we would like an explanation as to how this situation has come about. **Secondly**, we would be keen to hear whether the Council retains its view that Osbaldwick site is suitable for expansion – if it does, then we ask that the Council’s response to the points made by York Travellers Trust is clearly set out. Finally, we would appreciate your views on the implications of a conclusion on our part that the approach to Gypsies and Travellers in the draft Local Plan, after the modification proposed, fails to achieve soundness. We would strongly suggest that you take advice from your legal representatives on these matters.*

Once we have your response, we will decide the way forward.”

- 1.2. This note seeks to address the first and second matters requested by the Inspectors (highlighted in **bold** above). The final matter is considered in the covering letter which accompanies this response paper.

2. Matter 1: Response to Fol material

Introduction

- 2.1. As the Inspectors will appreciate, it is important that material produced by an objector following an Fol is not viewed in isolation and is seen in its proper context. The Council welcomes the opportunity to explain why the Fol response should not raise any concerns for the progress of the Local Plan examination.
- 2.2. The Council assumes that the internal correspondence which has promoted the concern includes the following:
- a) an email dated 30 January 2023 from a Council officer, Louise Waltham, to the Council's Director for Economy, Regeneration and Housing , Tracey Carter, copying in other officers Dennis Southall and Ann-Marie Douglas [[EX/OTH/36b](#)], in which she states that she -
"shares the concerns of York Travellers Trust in regard to the number of pitches planned at Osbaldwick. I gather that Ann-Marie was informed that 5 pitches would have to be put on the site in order to get the local plan through, which would have been just about manageable (although not desirable) however 13 new pitches is far too many, and takes the site well over the recommended maximum of 15 pitches....The location of Osbaldwick has contributed to challenges managing the site...and it has proved difficult/impossible to get additional support from other services so this again has added to the issues of managing the site...[F]rom a local plan POV this looks like the path of least resistance, but it really would set us up with an unmanageable site and compound the social issues already present on site".
 - b) an email dated 10 March 2023 [[EX/CYC/36e](#)], in which she adds that she is -
"very concerned that Osbaldwick is the wrong place to put 13 new pitches (best practice is sites shouldn't be bigger than 15 pitches as we discussed) but if developers manage to wangle out of putting pitches on strategic sites then there will presumably be pressure to put even more pitches at Osbaldwick...I'm conscious the consultation period is not that long, and having finally had chance to read the local plan I am really worried about how it will affect gypsies and travellers (and our service) for the years to come".
- 2.3. The Inspectors will recall that the consultation on proposed Main Modifications to the Local Plan took place between 13 February and 27 March 2023.
- 2.4. The Fol material also include an email dated 17 February 2023 from Tracey Carter to Neil Ferris, Corporate Director of Place [[EX/OTH/36d](#)], copying in other

officers including Michael Jones, Denis Southall and Alison Cooke, in which Ms Carter states in respect of the Osbaldwick site:

“Having been to the site today I was profoundly shocked by the environment surrounding a housing settlement...not in my view an acceptable location for anyone to live. I would strongly recommend that you all visit the site and that [environmental] health undertake their own survey work on air pollution from the surrounding heavy industrial site – I had not appreciated the nature of the surrounding business area – sorry but this has just deepened my unease with the suitability of any growth on this site...”

As the date of this email confirms, it was sent after the Council had begun consultation on the proposed modifications.

- 2.5. These emails do not represent the full picture regarding Council activity and decision-making regarding the policy approach to gypsy and traveller provision generally, or the Osbaldwick site in particular. This is explained further below.

Decision-making context

- 2.6. It is important to clarify the roles of the officers involved in this correspondence and the relationships between them. For clarity we provide relevant structure charts at Annex A.

- 2.7. Ms Waltham is a Supported Housing Manager within the Council’s Temporary Accommodation Team. As the later email makes clear [EXOTH36e], the officer had not had the opportunity to read the draft local plan until a late stage. In an earlier email dated 8 February 2023 to Alison Cooke, Head of Strategic Planning Policy [EX/OTH/36c], she asked for -

“a brief overview of what’s actually proposed re G&Ts that would also be really helpful – to date pretty much all the info I have is from York Travellers Trust”

- 2.8. Anne-Marie Douglas is a Temporary Accommodation Manager. With Ms Waltham, she is part of an officer team who manage the operation of existing gypsy and traveller sites. They report to Denis Southall, who is the Head of Housing Management Services. They are not involved in, or responsible for, the preparation of planning policy either in terms of strategic provision or allocations. Denis Southall, with Michael Jones as Head of Housing Delivery and Asset Management (and the lead specialist housing officer dealing with the Local Plan), reports to Tracey Carter as Director of Housing, Economy and Regeneration. Ms Carter, alongside Alison Cooke (Head of Strategic Planning Policy and Kirstin Clow, Interim Head of Strategic Planning Policy between Jan 2022- Jan 2023), report to Neil Ferris, Corporate Director of Place and corporate lead on the Local Plan. Mr Ferris is *“authorised to agree any further or revised responses, or proposed changes, during the examination process, prior to consultation and a*

final decision on adoption” in accordance with the decisions made at Council (May 2018) [[CD005](#)].

- 2.9. It is clear from the email circulation that senior officers responsible for the Local Plan were aware of the views expressed by Ms Waltham from a management perspective and by Ms Carter, albeit those views were expressed for the first time after the Council had finalised the proposed modifications to be issued for consultation.
- 2.10. Those views were given within a wider corporate structure which included other senior officers with more direct responsibility for the formulation of policy in the Local Plan. It is expected that for Council decision-making to operate effectively, officers will articulate their own views in correspondence with senior officers. However, it will also be expected that within a wider corporate structure senior officers with responsibilities for the Local Plan will take responsibility for the final decisions, having taken the wider and potentially different views of officers into account and after applying their own judgment. In this case, senior officers including Neil Ferris, Alison Cooke and Michael Jones, did not accept that the issues raised were insurmountable ie. *“likely problems when the proposed expansion was put forward”* (see the Inspectors’ letter [[EX/INS/44](#)]), or more generally that the views expressed by other officers should change the approach that had already been discussed extensively through the Local Plan process and agreed. This is explained further below.
- 2.11. Notwithstanding the debate on gypsy and traveller provision during the examination hearings in July 2022¹, concerns relating to the Osbaldwick site had already been reiterated by the York Travellers Trust at a meeting of the Council’s Local Plan Working Group on 16 January 2023 (Annex B). Abbie North, a Trustee of York Travellers Trust, expressed concerns about the draft policy for gypsy and traveller site provision and contended that expanding the Osbaldwick site was not the answer. In answer to specific questions at Local Plan Working Group regarding the site at Osbaldwick, Neil Ferris explained the overall structure of planning policy for gypsy and traveller provision before Laura Bartle, a Principal Strategic Planning Policy officer, explained that *“the provision on the Osbaldwick site... will really only be for those sites that have benefitted from planning permission and those financial contributions agreed, or a commitment made to those... So the expansion of that site will be limited and certainly it isn’t anticipated go accommodate all of the provision that is necessary across the plan period.”*
- 2.12. Neil Ferris added as follows with specific reference to the Osbaldwick site (Annex B):

¹ Phase 3, Matter 9: Gypsies and Travellers and Travelling Show-People. See published hearing statements on the Examination library - <https://www.york.gov.uk/planning-policy/local-plan-hearing-statements-gypsies-travellers-travelling-show-people> and webcast via <https://www.youtube.com/@cityofyorkcouncil/videos>.

“I recognise the issues that were brought forward in terms of the management and I think that’s an issue of management, and as rightly pointed out a matter for the housing officers and the housing functioning of the authority and in that regard the proposals down at the Osbaldwick site and the additional capital which will be invested within the site through those offsite contributions and the Council’s commitment to that site, we envisage that actually it’ll give us greater capacity to make sure we’ll manage that site more effectively than has been historically done and we would suggest that the delivery of this plan in terms of the City’s overall capacity to manage and work with the gypsy & traveller community will be increased”.

2.13. On 26 January 2023 the Executive decided to submit the proposed modifications to the Inspectors. At the meeting Abbie North again expressed concerns about the proposed policies and the Osbaldwick site was considered at the meeting. In answer to public participation and questions (Annex C), Neil Ferris stated:

“In respect of the site at Osbaldwick, it’s fair to say and I recognised at last weeks LPWG and the housing team that work for me, recognise that the site at Osbaldwick is in need of improvement, both in terms of managerial and the conditions of the site itself. We have significant offsite provision in terms of funding from other sites, YC being a good example, that would go a long way to put significant investment into that site and far from those housing officers not welcoming the opportunity to build more travellers sites at Osbaldwick, it was the Housing Management team came forward and demonstrated that the site could be accommodated on the land we proposed to allocate in the LP. There is absolutely no doubt across the housing management team that it is a challenging prospect to manage it, but a bigger site with more resources on it would give us the best opportunity to manage it.”

2.14. This opinion was initially based upon advice received from Michael Jones, Head of Housing and Asset Management as set out in his email of 13 May 2023 [\[EX/OTH/36a\]](#) and demonstrated in the Hearing Sessions. It was subsequently endorsed as part of officer emails/ briefings ahead of the Councils response to the Inspectors request for further information on 16 November 2022 [\[EX/INS/43\]](#) and the Council’s issue of ‘Provision for Gypsies and Travellers and Travelling Showpeople’ document (December 2022) [\[EX/CYC/121a\]](#), as follows:

- email from Michael Jones to Kirstin Clow on 13 May 2022 regarding pitch provision and confirming further pitches can be accommodated on existing sites [\[EX/OTH/36a\]](#)
- strategic planning officers and housing colleagues met to discuss policy options resulting from the update on 4 July 2022;
- Strategic Planning Policy officers and other officers including Ann-Marie Douglas met with York Travellers Trust on 4 July to discuss the GTAA review and matters to be discussed the Local Plan Phase 3 hearings, before reporting on the same day to a Local Plan Briefing with Neil

Ferris, Corporate Director of Place and Cllr Ayre, Executive Member responsible for the Local Plan;

- Strategic Planning Policy officers reviewed representations made by York Travellers Trust in preparation for the forthcoming hearings, including a letter of 11 July 2022 from York Travellers Trust to Councillor Ayre as Executive Member and discussed the same with Michael Jones, Head of Housing Delivery and Asset Management;
- Michael Jones, Head of Housing Delivery and Asset Management, appeared with Strategic Planning Policy officers on 28 July 2022 for Phase 3 Matter 9: Gypsies and Travellers and Travelling Showpeople Hearing Sessions of the Local Plan to support the approach of the Council to all aspects of policy relating to gypsy and traveller provision, including site allocations²;
- Local Plan Briefing between Cllr Ayre, Executive Member, Neil Ferris, Corporate Director of Place and Cllr Mason on 5 September 2022. This covered Key Modifications proposed to Local Plan, included reference to G&T.
- Louise Waltham met with the York Travellers Trust on 7 and 16 November 2022 to discuss issues in general and representations to the plan;
- Strategic Planning Policy Officers and Housing colleagues held an internal meeting on 21 November 2022 to discuss provision on CYC sites, including a trajectory of pitch delivery following a request for additional information from the Inspectors on 16 November [EXINS43];
- Local Plan Briefing between Neil Ferris, Corporate Director of Place, Kirstin Clow (Interim Head of Strategic Planning Policy) and Laura Bartle (Principal Strategic Planning Policy Officer) with Cllr Ayre (Executive with portfolio of Local Plan) discussing the draft response to the Inspector;
- Neil Ferris approved the submission of CYC's response to the Inspectors Letter of 16 November 22, including the additional paper: Provision for Gypsies and Travellers and Travelling Showpeople (December 2022) [EX/CYC/121 (letter) & EX/CYC/121a]. This provided clarity on the expectations for where and when pitches would be delivered across the remainder of the plan period. In recognition of likely off-site financial contributions to be received, the Council sought to make a further amendment to the Green Belt boundary at the Osbaldwick site to ensure additional land within the existing Gypsy and Traveller site designation could be utilised for additional pitches if necessary following outcomes of ongoing work to assess land within the Council's estate. The approach embeds flexibility into the policy and meets the requirements for demonstrating developability through later years of the plan. This formed the basis of modifications agreed with

² See City of York Council Hearing Statement for Phase 3 Matter 9: [HS/P3/M9/G&T](#). See also York Traveller Trust Hearing statement for Phase 3 Matter 9: [HS/P3/M9/G&T/6](#) wherein the Osbaldwick site is not addressed directly. The hearing sessions can be viewed via the City of York Council YouTube Channel: <https://www.youtube.com/@cityofyorkcouncil/videos>

the Inspectors in January 2023 as part of the Main Modifications consultation.

- 2.15. Following the email from Louise Waltham on 30 January 2023, which raised similar concerns to those already raised by York Travellers Trust, there was an internal officer meeting on 31 January 2023 to consider Local Plan site provision for gypsies and travellers and presentation of the Main Modifications, in general.
- 2.16. After that meeting Neil Ferris also acknowledged the conditions at the Osbaldwick site in an email dated 20 February 23 in response to the email from Tracey Carter (see above, [\[EX/OTH/36d\]](#)):

“This then is not the basis for my disappointment as to the state of the situation at Osbaldwick G&T site which I publicly recognised at both Local Plan working Group and Executive and our need as a Directorate to grasp not only the new provision within the Local Plan but the poor existing condition of our G&T facilities and our ongoing resourcing of support for the G&T provision from expanded revenues as the City grows.

... I believe we will be strongly recommending to Executive to receive a report to establish a G&T pitch delivery programme and Capital funding and resourcing for this programme which for clarity will need to include major maintenance proposals for existing sites.

The constant improvement journey and pace of delivery of the Housing, Planning and Regeneration teams (for developer Sites) gives me a high degree of confidence that we will make the G&T provision in the City fitter for purpose than it has ever been and at pace and we all recognise the scale of that challenge we have”.

- 2.17. The Council had by then already taken steps to address concerns about conditions at the site which had been raised in the above emails (see below).
- 2.18. A month later in March 2023, Neil Ferris reiterated in a letter to the Equality and Human Rights commission (Annex C) the response of the Council to issues relating to the condition and proposed expansion of Osbaldwick site (see below).
- 2.19. As part of the process to prepare the Council response to representations made on the Proposed Main Modifications, officers held an internal travellers update meeting on 17 March 2023 to discuss the policy position and ongoing general site management across York sites. A further meeting was held on 24 May 2023 to discuss emerging outcomes of the consultation. Attendees to the meetings included Strategic Planning Policy Officers, Neil Ferris, Tracey Carter, Dennis Southall and Ann-Marie Douglas.
- 2.20. It is clear from this chronology that senior officers responsible for the Local Plan and also housing delivery sought to progress the proposals for a more pro-active

approach taking into account concerns expressed by other officers relating to the Osbaldwick site, which had already been raised by other parties.

- 2.21. Officers both explained the general justification for the policies relating to gypsy and traveller provision in the Local Plan, and recognised within that context that there were management challenges at the Osbaldwick site which needed to be resolved with additional resources. The resolution of these challenges was considered to enable the proposed provision for the site to be maintained as set out in the proposed modifications, and contrary to any earlier suggestion from officers that issues with the site precluded any expansion. The steps to deal with management at the site and resourcing are explained in more detail below.
- 2.22. It should also be recognised that the emailed comments from Ms Waltham in her operational role on 30 January 23 [EX/OTH/36b] and 10 March 23 [EX/CYC/36e], misunderstood the wider policy approach that was in fact being taken to provision at the Osbaldwick site when referencing 13 pitches to be delivered. The position was made clear to both York Travellers Trust and senior housing managers (Tracey Carter, Michael Jones and Denis Southall) with the circulation of the Policy Position Statement (February 2023)³ on 28 February and subsequent sharing with operational housing managers in early March 2023. In summary, this articulated the policy development process as well as the projected trajectory requested by the Inspectors in their November 2022 correspondence [EX/INS/43]. To reiterate, it is projected that 10 pitches are required in the first 5 years, 4 of which could be located at Osbaldwick site. In her email, Ms Waltham concurs that at Osbaldwick “5 pitches ...would have been just about manageable (although not desirable)” [EX/CYC/36b]. Further confirmation of this approach is dealt with under section 3 of this response.
- 2.23. It is also important to confirm that the issue of whether the extension of the Osbaldwick site was justified had already been the subject of careful consideration through the Local Plan process; and this continued up to and during the time period of consultation on the Proposed Main Modifications and the response of the Council to consultation on the Proposed Main Modifications.
- 2.24. Following the start of the consultation on the Proposed Main Modifications to the Local Plan:
- a) Council officers including Alison Cooke, Head of Strategic Planning Policy and other members of the Strategic Planning Policy team, Michael Jones, Tracey Carter and Laura Williams (Assistant Director of Customer, Communities and Inclusion), met with York Travellers Trust on 16 February 2023 to discuss gypsy and traveller provision, including the Main Modifications document and intended supplementary planning document. In the meeting York Travellers Trust explained their likely response to the

³ Submitted as part of YTT’s Response to Main Modifications Consultation. Also published as part of the Council’s Response to the Main Modifications Consultation – Annex A to EXCYC123ai

consultation to officers, including concerns regarding Osbaldwick specifically. A key action from the meeting was for the Council to articulate its position regarding the policy approach and the sites identified to accommodate needs in a position statement. This was provided to York Travellers Trust on 28 February 2023 and subsequently published as Annex A to the Council's Response to the Main Modification Consultation [EXCYC123a(i)]. This set out the approach of the Council to gypsy and traveller policy including issues regarding the site at Osbaldwick;

- b) The Council specifically addressed issues raised by the Equality and Human Rights Commission in a letter dated 17 February 2023 which referred to concerns about the location/condition of the Osbaldwick site and its proposed extension. In a reply dated 14 March 2023 Neil Ferris explained that:
"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 for the GRT community but the community as a whole..." (Annex D);
- c) As set out above, officers held a further internal meetings on 17 March 2023 and 24 May 2023 in advance of the decision by Neil Ferris as Corporate Director of Place to submit the Council's response to the Main Modifications Consultation [EXCYC123ai-c], which considered matters pertaining to gypsy and traveller provision, including the suitability of the Osbaldwick.

2.25. At all relevant stages, therefore, Council officers involved in the progress of the Local Plan have considered the potential for the Osbaldwick site to be extended; and this process continued, following the receipt and in the knowledge of the above emails, up to the decision to submit the response to the consultation on the Proposed Main Modifications. To be helpful, the Council submitted a response to key points arising through the consultation choosing to address the matters directly, and where relevant, suggest further minor modifications⁴. Site specific issues are addressed in the section below.

Site management at Osbaldwick and further resourcing

Introduction

2.26. Since February the Council has taken steps to ensure that it delivers upon its commitment to invest in steps to improve existing sites and their management. It

⁴ See EX/CYC123, EX/CYC123a(i), EX/CYC/123b(ii) and EX/CYC/123c(i)

has also investigated actions that are available under other regulatory regimes to address issues at Osbaldwick.

Steps taken in relation to issues at Osbaldwick

- 2.27. Whilst to date no formally recorded complaints have been raised in relation to environmental protection issues at the Osbaldwick site, such as air quality. the issue was raised again by York Travellers Trust at a meeting with Council Officers on 16 February 2023. Following that meeting, Tracey Carter undertook an informal site visit to Osbaldwick the following day and reported her findings in an email to Housing and Strategic Planning Policy Officers as well as Neil Ferris [EX/CYC/36d]. In light of the email and further email by Michael Jones regarding the same matter, the Council's Environmental Protection team were engaged to identify the issues on site, particularly regarding dust. On 21 February 2023 they contacted the Environment Agency regarding the issues of air pollution and dust. An initial investigation on 23 February 2023 identified the dust as originating from an adjacent business, which had a large stockpile of crushed materials on the eastern boundary of their site.
- 2.28. The Environmental Protection Team liaised with the Environment Agency who regulate the business via a waste permit and obtained a copy of this permit. Council officers subsequently undertook a joint inspection with the Environment Agency on 8 March 2023. During this time officers spoke to the site manager about increasing the height of bunds adjacent to local residents and ensuring stockpiles are kept at more reasonable levels in the future. The permit issued by the Environment Agency requires them to use water suppression and shrouds to minimise dust when they are crushing. The Environment Agency has requested the business to provide a dust management plan.
- 2.29. As Neil Ferris confirmed in correspondence with the Equality and Human Rights commission (see above and Annex D), the issue with the site *"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 the issue of dust pollution was raised through the public Local Plan decision sessions the Council's Environmental Health Team have already undertaken multiple regulatory visits 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"*.
- 2.30. The Council has received no further complaints since the issues were raised in February.
- 2.31. However, a further joint inspection with Environment Agency (EA) took place on 23 October 2023. The site was extremely muddy due to the recent rain meaning no dust was visible during the visit. However, it is considered that the bunding

around the eastern boundary should provide a more effective screen to reduce dust impacting nearby properties. Whilst there continued to be a number of stockpiles on site, there was no evidence that these are causing a dust issue. A breach of the permit issued by the EA was observed on site in relation to the use of a mobile crusher. This is therefore being raised with the relevant regulatory authority by the EA jointly with the Council. The Council's Environmental Protection team consider that, at this stage, no further action is required. This will be kept under review and should we receive further complaints, Council Officers will investigate with help from the site regulators, the Environment Agency.

Resourcing

- 2.32. There is now a clear commitment by the Council to ensuring the effective management of gypsy and traveller sites is improved, in general. The operational management team is outlined above and is supported by junior colleagues (see Annex A) who maintain positive day-to-day relationships with the Gypsy and Traveller Community. Further expansion of the Council Officer team is underway, as set out below. Importantly, the Council is taking a holistic to understanding issues arising within the Gypsy and Traveller community and seeking to address this through a multi-team Working Group.
- 2.33. The need for additional resources for management purposes is also recognised; this was highlighted by Neil Ferris at Local Plan Working Group in January 2023 (Annex B) and addressed in his email of 20 February 2023 which states "*our ongoing resourcing of support for the G&T provision from expanded revenues as the City grows; I believe we will be strongly recommending to Executive to receive a report to establish a G&T pitch delivery programme and Capital funding and resourcing for this programme which for clarity will need to include major maintenance proposals for existing sites*". The report to which Neil Ferris refers regarding a Gypsy and Traveller Strategy has been progressed. This is anticipated to be reported to Executive by Tracey Carter, Director for Economy, Regeneration and Housing after the Local Plan confirms the scale of investment that the authority is required to make. The Local Plan adoption is required to provide a specific rationale for the scale of investment decision proposed.

New Gypsy and Traveller Accommodation Project Officer

- 2.34. The Council is not waiting for the capital investment report to invest additional resources into progressing with the employment of a new formal Gypsy and Traveller Accommodation Project Officer within the Council's Asset Management Building Services team. The role is intended to have close working relationships with the Temporary Accommodation team, Housing Delivery team, and Housing Strategy and Performance team. This new post has been under consideration since April 2022 and the remit for the post has been established in consultation with York Travellers Trust (Annex E). Approval to finance the new post was given on 14 March 2023 at an Executive Member Decision Session (Annex F). This

decision allows the post to be established and for formal recruitment to commence.

2.35. Recruitment to this post is to commence shortly. In summary, the main functions to be carried out by the new officer will be as follows:

- Taking responsibility for ensuring the up-to-date condition of stock is known, with any risks identified.
- Developing business cases to support planned investment decisions.
- Project managing investment works, including the procurement of contractors, managing budgets, quality control and reporting.
- Leading the Council's ambition to expand our gypsy and traveller accommodation offer.
- Considering opportunities for the expansion of existing sites and the development of new sites for Gypsy and Traveller accommodation in the city.
- Supporting the delivery of effective repairs service to the Gypsy and Traveller sites.
- Identifying and acquiring land for development as required.
- Working closely with the Gypsy and Traveller community to ensure projects meet the needs of the community.
- Project managing responsibilities for the delivery of sites through the planning process and necessary infrastructure works.
- Supporting the development of policies, commenting on planning applications and agreeing any required S106 commuted sums to aid the delivery of Gypsy and Traveller pitches.
- Creating a specification for components to be installed within the existing sites which meets the requirements of the community.

2.36. It is anticipated that, alongside the Strategic Planning Policy Team, this new project officer will lead on the development of a Supplementary Planning Document which will add detail to Policy H5 of the Local Plan regarding the delivery of pitches. As part of this work, we anticipate articulating any design requirements specific to individual sites, such as Osbaldwick, to provide clarity. A report regarding supplementary planning documents is planned to be taken to Members in due course following further certainty regarding the approach set out in the forthcoming Inspectors report.

York Gypsy and Traveller Working Group

2.37. As explained above, the officers responsible for the operational management of gypsy and traveller sites in York work within the Temporary Accommodation housing team at the Council. However, the Council recognises that support for gypsies and travellers is wide-ranging and requires an holistic approach. The Council therefore operates the York Gypsy and Traveller Working Group which draws together expertise from colleagues in communities and equalities, housing, site management, community safety, education, early years, health and other bodies including York Travellers Trust with the aim of understanding and addressing relevant issues for the community. The Working Group is developing

an Action Plan, which builds on the work of the previous Gypsy, Roma and Traveller Strategy 2013 to 2018⁵.

- 2.38. Its current primary focus is on delivering projects to support the community. Supporting the community in this holistic manner has so far been successful. The York Travellers Trust have reported for example, that members of the gypsy and traveller community are no longer immediately transferred to individual Temporary Accommodation Officers when they contact the Council but are receiving support from wider Council services relevant to their needs.
- 2.39. On this basis, we expect that that this Working Group and service provision for the community will continue to contribute to reducing some of the existing social issues on sites as well as be a forum for raising issues and agreeing resolutions. This Working Group and its established network will play a critical role in informing the development of future strategy and capital programme.

Conclusion on Matter 1

- 2.40. For the reasons set out above, it is important to place the emails which were produced in response to the York Travellers Trust FoI request in their proper context. The views expressed in those emails were those of officers involved in the operational management of the Osbaldwick site which were known to and acknowledged by senior officers both in housing management positions and those with specific responsibility for the Local Plan. Those senior officers concluded that the policy approach as set out in the Proposed Modifications to the Local Plan remained justified, having regard to the careful consideration that had been given throughout the Local Plan process to considering gypsy and traveller provision generally and the role of the Osbaldwick site in particular in helping to meet needs. These conclusions have been maintained up to the Council response to the consultation on the Proposed Main Modifications, with knowledge of the concerns raised in those emails. Management issues which had been properly raised by officers, as well as York Travellers Trust, were taken into account. It was considered that steps could be taken to address and resolve these issues, including the enforcement by the Environment Agency of other regulatory controls, but also through the provision of additional resources to secure dedicated improvements to the management of existing sites and the provision of new sites.

⁵ [York Gypsy Roma and Traveller Strategy 2013-18 CMT 23.05.13](#)

3. Matter 2: Osbaldwick Site

- 3.1. The Council retains its view that Osbaldwick site is suitable for expansion. This is explained further below, including a response to the points made by York Travellers Trust.
- 3.2. In keeping with the Government's aim for sustainable and mixed communities, the Council seeks to ensure that there are enough decent homes, in suitable locations, for everyone in its community. Gypsies and travellers are an important part of the local community in York and will remain so in the future.
- 3.3. The Council is committed to securing better and sufficient accommodation for gypsies and travellers, promoting integration with other housing types, improving social outcomes and opportunities, and providing significantly more certainty for the community in a holistic way. As described under Matter 1 above, a multifaceted approach to meeting these objectives is being carried out through the Council's various housing functions.

National Policy Context

- 3.4. The National Planning Policy Framework ('NPPF') (2023) at paragraph 60 states that; *"to support the Government's objective of significantly boosting the supply of homes, it is important that...the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay"*
- 3.5. Planning Policy for Traveller Sites ('PPTS') (2015)⁶ requires the Council to:
 - Make its own assessment of the need for Traveller accommodation for the purposes of planning in our borough,
 - Develop fair and effective strategies to meet the identified need through the identification of land for sites,
 - Protect the Green Belt from inappropriate development,
 - Promote more private traveller site provision and reduce unauthorised development,
 - Identify deliverable sites to provide five years' worth of accommodation against a locally set target, and
 - Identify developable sites or broad locations for growth for the next six to ten years and where possible 11-15 years.
- 3.6. PPTS states that local authorities should set targets for Traveller accommodation that address this identified need. Additionally, local authorities are required to identify a supply of deliverable sites to meet the need for Traveller accommodation for the next five years and identify sufficient developable sites or

⁶ <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

broad locations with potential to meet the need arising in the 6 – 10 and 11 – 15 year periods of the Local Plan.

- 3.7. The definitions of what constitute ‘deliverable’ and ‘developable’ sites are set out in the PPTS, footnotes 4 and 57. PPTS (2015) amends the definition of travellers for the purposes of planning to exclude those travellers that have ceased to travel permanently.

Planning for the needs of York’s Gypsy and Traveller Community

- 3.8. The identified need for Traveller accommodation in York is set out in the Gypsy and Traveller Accommodation Assessment (GTAA) (2022) [[EXCYC88](#)].
- 3.9. The GTAA [[EXCYC88](#)] identifies a need for 15 pitches over the plan period. Consistent with the PPTS, this requirement is reflected as a target in Policy SS1: Delivering Sustainable Growth for York and the delivery of pitches facilitated by Policy H5: Gypsies and Travellers.
- 3.10. The GTAA also assessed the needs of travellers who do not meet the PPTS planning definition of a traveller as they have ceased travelling permanently. The findings are also reflected in Policy SS1, which makes clear the Plan also makes provision for 25 permanent pitches for Gypsies and Travellers who do not meet the definition. Provision of these pitches is supported by Policy H58.
- 3.11. As well as safeguarding existing sites, Policy H5 provides the basis for directing new provision to meet defined and non-defined needs. It does so by supporting expansion of two existing Council owned sites (Clifton and Osbaldwick) and places an expectation on strategic sites to provide a proportionate number of pitches as part of the mix of housing delivered in these locations. It further sets out criteria against which planning applications for gypsy and traveller pitches will be assessed.

⁷ PPTS Footnote 4: “To be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within five years. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans’.

PPTS Footnote 5: “*To be considered developable, sites should be in a suitable location for traveller site development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.*”

⁸ The Council explained in EX/CYC/121a that the PPTS and the NPPF have been applied in a way that is consistent with the *Lisa Smith* judgement in that the plan’s strategic approach is to meet all identified Traveller needs.

- 3.12. The Council maintains its position⁹ that the approach taken in Policy H5 is sound on the basis that it is wholly consistent with PPTS paragraph 10 and the obligations set out for local authorities in preparing Local Plans:
- The need for 9 pitches within the first 5 years can be met on two clearly deliverable sites. As both sites are owned and managed by the Council, it has significantly more control in the process of delivering these new pitches which provides confidence and certainty that development will be realised. Further, the sites benefit from lawfully established use for gypsy and traveller accommodation and have sufficient land available to support expansion in a form that accords with best practice (pitch sizes of between 200m² and 500m² and provision of supporting infrastructure). Should it be necessary to do so, the sites are also capable of being split into two.
 - Provision beyond the first 5 years is tested against paragraph 10b of the PPTS and the requirement for developable sites or broad locations to be identified. This is precisely what Policy H5 achieves through its requirement for strategic sites to incorporate new pitch provision and inclusion of a criteria-based policy to assess windfall opportunities against.
- 3.13. The policy does not specifically allocate 17 new pitches on the Osbaldwick site. Rather, it identifies the Clifton and Osbaldwick sites as the locations for delivering 10 pitches over the plan period which meet the 5-year requirement for Gypsies and Travellers that meet the planning definition.
- 3.14. The Council confirmed in their 'Provision for Gypsies and Travellers and Travelling Showpeople' (December 2022) document [EX/CYC/121a] that 4 of the 10 pitches are expected to be located at Osbaldwick. The remaining 6 to be located on the site at Clifton.
- 3.15. There are currently 18 pitches at the Osbaldwick site and as explained in EX/CYC/121a, it is necessary to ensure that there is land available here that could support additional pitches (over and above the minimum 4 required to support the 5-year delivery) if alternative sites do not become available. This is considered to be an appropriate approach, consistent with the developable site requirements of the PPTS.
- 3.16. Issues have been raised throughout the examination process to bring into question the suitability of the Osbaldwick site for further expansion. Evidence provided in document EXCYC121a included the Council's commitment to addressing these matters. Details of our ongoing frontline and strategic activity are set out in Matter 1 above. In setting out this wider context and the holistic framework in place to support pitch management and the community, the Council

⁹ Phase 3 Hearing Session, Matter 9: 00:59:03- 01:09:00 <https://www.youtube.com/watch?v=5wvvY2qpMJE>
00:09:00 <https://www.youtube.com/watch?v=xbs6QwBifaM>

has demonstrated that its approach to gypsy and traveller provision remains sound and that additional pitches can be delivered at Osbaldwick without exacerbating existing issues.

Responses to matters raised by York Travellers Trust

- 3.17. Further to the Inspectors request, the Council have considered the representation to the Main Modifications Consultation (Feb/Mar 2023) made on behalf of the York Travellers Trust (ref 982)¹⁰. Section 8.0 of the representation specifically sets out their concerns regarding expansion of the Osbaldwick site. The table below sets out the Council's response to the specific matters raised in the representation. Where applicable, links to the Phase 3 Hearing Sessions available via the Council's YouTube channel are linked.

¹⁰ <https://www.york.gov.uk/downloads/file/9058/982-mhp-obo-york-travellers-trust-redacted>

Table 1: York Travellers Trust Issues and CYC Response

Paragraph Reference	Summary of issue raised	CYC response
8.1 – 8.3	<p>The proposed allocation at Osbaldwick is not reasonable, viable or deliverable. The site is categorically not capable of delivering further pitches.</p> <p>The allocation of – effectively - 17 Pitches at Osbaldwick amounts to Direct Discrimination under Sections 13(1) and 13(5) of the Equality Act 2010. It does not comply with the Public Sector Equality Duty under s149 of that Act. To this extent, the Local Plan is not legally compliant.</p>	<p>The Council intends to deliver on its duty to provide suitable accommodation for different communities as part delivering a new Local Plan for the city. The 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. The supporting evidence base has been updated through the Examination process, with a GTAA (2022) [EXCYC88] informing the Examination and the subsequent proposed modifications.</p> <p>The Local Plan does not specifically allocate 17 new pitches on the Osbaldwick site. Instead, it safeguards all three of the Council owned sites and identifies the Clifton and Osbaldwick sites as the locations for delivering the 5-year need for 9 pitches for Gypsies and Travellers that meet the planning definition. Evidence submitted to the examination [EX/CYC/121a] outlines the expectation that 4 of the 10 pitches to be provided for on Council sites will be located at Osbaldwick. Submissions made by the Council during the hearing session evidenced the site’s ‘deliverability’ in accordance with the PPTS definition¹¹.</p> <p>The additional 13 pitches identified by the Council as likely to be required over the plan period are based on reasonable assumptions around off-site financial contributions secured/likely to be secured through residential development ahead of the plan’s adoption. Based on this understanding, it was necessary for the Council to indicatively identify where these pitches could be delivered during the plan period. It is made clear in our</p>

¹¹ Phase 3 Hearing Session, Matter 9: 00:59:03- 01:09:00 <https://www.youtube.com/watch?v=5wvvY2qpMJE>
00:09:00 <https://www.youtube.com/watch?v=xbs6QwBifaM>

Paragraph Reference	Summary of issue raised	CYC response
		<p>Gypsy and Traveller Paper (Dec 2022) [EX/CYC/121a] that the approach is deliberately flexible and there is no prescribed requirement for Osbaldwick site to provide a total of 17 new pitches. It has been established that sufficient land lies outside of the site's Green Belt designation to facilitate development of the 17 pitches <i>if</i> (in the unlikely event) no alternative land is secured over the plan period. Importantly, the Council is continuing to explore its land holdings and is assessing opportunities for how it might direct contributions it receives for the delivery of pitches on alternative sites¹².</p> <p>An equalities assessment forms part of the Council's decision-making process and was submitted to the Examination [CD019]. It ensures the relevant issues have been considered and this practice continues as the Local Plan proceeds to adoption. An addendum to CD019 forms Annex 9 of the report to Executive regarding the Plan's Main Modifications¹³. For a full list of EIA prepared as part of the Local Plan process, please see Annex D to this response wherein we set this out in detail for the Equalities and Human Rights Commission. The EHRC also highlighted information they considered to be omitted in the Council's Ward Profiles regarding gypsies and travellers; the ethnicity profiling now includes reference to these categories¹⁴. Further reporting of relevant data is under discussion.</p>

¹² Hearing Session recording: 00:12:00 https://www.youtube.com/watch?v=vw_nQ1inrfE&list=PLCefwpD2Fea2hQhdnL7T4EK7o0j1tyEUV&index=89

¹³ City of York Local Plan Equalities Impact Assessment Addendum December 2022:

<https://democracy.york.gov.uk/documents/s165057/Annex%208%20Equalities%20Impact%20Assessment%20Addendum.pdf>

¹⁴ See York Ward Profiles 2023-24 Q1 - Osbaldwick and Derwent Ward - York Open Data: <https://data.yorkopendata.org/dataset/york-ward-profiles-2023-24-q1/resource/7fade683-f55c-421b-bf4d-9dd5999fee26>

Paragraph Reference	Summary of issue raised	CYC response
8.4-8.5	<p>The proposed allocations at Osbaldwick do not represent an available, suitable location for development and are inconsistent with National Policy. The site does not meet the requirements as set out at Paragraph 13 PPTS, or the corresponding criteria set out at Policy H5(c) of the Local Plan.</p>	<p>The site is an existing gypsy and traveller site which benefits from planning permissions.</p> <p>Submissions made throughout the course of the examination have drawn attention to issues and conditions of the existing site, but these are all considered to be management issues, which are not insurmountable. The Council has publicly acknowledged the challenges faced on the site and is actively working to improve conditions to ensure the Local Plan objectives are properly fulfilled (as demonstrated in Matter 1 to this response).</p> <p>The Council has set out how many pitches could be provided on each of its sites following further assessment [EX/CYC/121a] which followed internal discussion/ briefing sessions as referred to in Matter 1, specifically paragraph 2.14 of this paper.</p> <p>Regard was given to constraints and the amount of land needed to provide pitches of a size equivalent to those currently on the site. No in-principal issues were identified that conflict with the considerations set out in part C of Policy H5 or paragraph 13 of the PPTS and it was concluded that the site is capable of being configured as two self-contained sites, and that all policy requirements can be satisfied. It is appropriate for all design matters to be considered in detail as part of the work to support the planning application that will be required. It is also intended that the Council produce a Supplementary Planning Document to support forthcoming provision and pitch design.</p>

Paragraph Reference	Summary of issue raised	CYC response
8.7 -8.8	<p>The Site is located some distance from the local community on the edge of an industrial estate and immediately adjacent to a large Waste Transfer Station. There is no bus stop or shop within reasonable walking distance, and access to and from the site on foot is through an industrial estate characterised, during working hours, by the movements of large trucks and skip wagons. Residents experience social exclusion and isolation as a direct consequence of the inappropriate location of the Site</p>	<p>The site is an existing gypsy and traveller site. The Council has made clear in its submissions that it has sought to assess alternative allocations but no available land that is free of constraints has been identified¹⁵. It is wholly appropriate for the Council to consider its existing gypsy and traveller sites and propose expansion where it can be suitably achieved and will meet the 5-year need that the Plan must demonstrate.</p> <p>Issues arising from land uses immediately adjacent the Osbaldwick site are known to the Council but no formal complaints have been recorded. Since dust pollution concerns were raised through the public Local Plan Decision sessions and a meeting with York Travellers Trust in February 2023, the Council's Environmental Protection team has made regulatory visits to the sites it regulates and has attended joint site visits with the Environment Agency as regulator for the neighbouring industrial estate.</p>
8.9 – 8.13	<p>The planning application for 6 additional pitches in 2013 recognised the adjacent land uses but did not acknowledge the impact on site amenity or residents' health of the permanent presence of large and dominating piles of waste. Issues were not appropriately considered in the determination of the application</p>	<p>It is not appropriate for the Council to comment as part of this Local Plan examination on matters of judgment made on planning permissions it has previously granted: 13/02704/GRG3</p> <p>In any event, issues such as amenity and the relationship with other land uses have been taken into account through the plan process. This has been through internal discussion and agreement as set out in para 2.14 of this document.</p>

¹⁵ 00:18:43 and 00:40:29 <https://www.youtube.com/watch?v=xbs6QwBifaM>

Paragraph Reference	Summary of issue raised	CYC response
8.14 – 8.18	Aims set out in the CYC management plan for sites have not been realised. The Council’s suggestion that York Travellers Trust concerns are management issues and not a planning issues is contested. It is the inappropriate location that has led to these issues	The Council’s submission at the hearing session provided detail on the approach being taken to tackle management issues ¹⁶ . The Council considers that matters raised are not ones that the Local Plan has any power to address. Rather, they are and will be addressed by the Council both in respect of the current site (as set out in Matter 1 regarding management) and any detailed planning applications that would be necessary for a proposed extension of the site.
8.19 – 8.20	The Council’s claim that additional capital that will be invested at the Osbaldwick site, through off-site contributions is at odds with the s106 agreement signed for the development of ST8 (Monks Cross), which confirms that these funds may not be used for ongoing management of the site	<p>The Council is not proposing to use S106 funds for ongoing management. Rather, it is anticipated that management will be an ongoing Council cost recovered through rent receipts.</p> <p>The first stage in the Council’s capital investment in pitch provision is the recruitment of the Gypsy and Traveller Accommodation Project Officer post as set out from para 2.37 above. The purposes of this role are:</p> <ol style="list-style-type: none"> 1. Responsible for ensuring an up-to-date condition of stock is known with any risks identified. 2. Developing business cases to support planned investment decisions. 3. Project managing investment works, including the procurement of contractors, managing budgets, quality control and reporting. 4. Leading the council’s ambition to expand our gypsy and traveller accommodation offer. Considering opportunities for the expansion of existing sites and the development of new sites for Gypsy and Traveller accommodation in the city.

¹⁶ 1:04:09 <https://www.youtube.com/watch?v=5wvvY2qpMJE&list=PLCefwpD2Fea2hQhdnL7T4EK7o0j1tyEUV&index=86>

Paragraph Reference	Summary of issue raised	CYC response
		<p>5. Support the delivery of effective repairs service to the Gypsy and Traveller sites</p> <p>6. Identify and acquire land for development if required.</p> <p>7. Work closely with the Gypsy and Traveller community to ensure projects meet the needs of the community.</p> <p>8. Project management responsibilities for the delivery of sites</p> <p>The Council's financing of this position is addressed under Matter 1, as is consultation on the job description with York Travellers Trust.</p> <p>An anticipated report to Executive by the Director for Economy, Regeneration and Housing regarding capital investment will be taken after the Local Plan confirms the scale of investment that the authority is required to make. The Local Plan adoption is required to provide a specific rationale for the scale of investment decision proposed.</p>
8.21 – 8.23	Planning permission granted in 2013 has not been correctly implemented – field shelters and post and rail fences for grazing horses have never been provided	This is an enforcement matter which does not concern the principles of the existing site allocation or its identified expansion in Policy H5. Matters relating to the site's likely reconfiguration required to support additional pitches are to be considered as part of the design process and assessed as part of the planning application. Indeed a substantial amount of the site under the gypsy and traveller designation lies within the Green Belt, which would remain available for grazing horses and other compatible uses.
8.14 – 8.25	In 2016 permission was granted for the Waste Transfer and skip hire company to raise the height of the waste piles (which immediately overlook the Traveller site) from 2m to 5m. Insufficient consultation took place	It is <u>not appropriate</u> for Council to comment on matters of process, or the judgement reached on planning applications as part of this Local Plan examination process. <p>However, for the avoidance of doubt, we can confirm that 2016 applications relating to an increase in height of waste piles within the</p>

Paragraph Reference	Summary of issue raised	CYC response
	<p>during the application's determination and no reference to the adjacent traveller site made in the officer report. The increase in the height of the waste piles has significantly exacerbated issues with environmental quality and safety at the Site. Residents report the presence of brick dust, blowing across their pitches, and an increase in rats on the site. Work has commenced in partnership with the University of York to supply air quality monitoring equipment to residents, in order that the environmental issues associated with the 2016 permission may be proven, and hopefully addressed.</p>	<p>waste management site were withdrawn. Permission to vary the conditions to allow the stockpiling of skips in 2016 was refused. The original conditions agreed in 2007 (application 07/01243/FUL) therefore relevant are:</p> <p><u>3.</u> The use hereby permitted shall be confined to the following hours: Monday to Friday – 0700 to 1800 Saturday – 0700 to 1300 Sunday and Bank Holidays - not at all Reason: to protect the amenity of local residents.</p> <p><u>6.</u> Stockpiles shall not exceed 5 metres in height above the existing ground level. Reason: In the interest of the visual amenity of the Green belt</p> <p><u>7.</u> Prior to first use of the site full details of the proposed boundary bund shall be submitted to and approved in writing by the Local Planning Authority. The bund shall be constructed and planted in accordance with these approved details and maintained thereafter. Any planting removed without consent shall be replaced with green planting of such size and species as may be agreed with the local planning authority. Reason: To protect the visual amenity of the area and to reduce noise spillage from the site.</p> <p>The Environment Agency is consulted as part of the application process and recognition of the separate regulatory regime in place to control pollution made in the reports. Permits for various uses are issued directly from the EA to the business and this permit should be adhered to.</p> <p>No formally recorded complaints have been raised in relation to environmental protection issues such as air quality at the Gypsy and Traveller site in Osbaldwick.</p>

Paragraph Reference	Summary of issue raised	CYC response
		<p>However, following a meeting between York Travellers Trust and City of York Council Officer on 16 February 23 (and a site visit the following day by the Director for Economy, Regeneration and Housing, the Council's Environmental Protection team were engaged to identify the issues on site, particularly regarding dust. This initial investigation on 23 February 2023 identified the dust as originating from an adjacent business, who had a large stockpile of crushed materials on the eastern boundary of their site.</p> <p>The Environmental Protection Team liaised with the Environment Agency who regulate the business via a waste permit and obtained a copy of this permit. Council officers subsequently undertook a joint inspection with the Environment Agency on 8 March 2023. During this time officers spoke to the site manager about increasing the height of bunds adjacent to local residents and ensuring stockpiles are kept at more reasonable levels in the future. The permit issued by the Environment Agency requires them to use water suppression and shrouds to minimise dust when they are crushing. The Environment Agency has requested the business to provide a dust management plan.</p> <p>The Council has received no further complaints since the issues were raised in February, but are planning another joint inspection with the Environment Agency in the near future.</p> <p>The Council has received no further complaints since the issues were raised in February.</p> <p>However, a further joint inspection with Environment Agency (EA) took place on 23 October 2023. The site was extremely muddy due to the</p>

Paragraph Reference	Summary of issue raised	CYC response
		<p>recent rain meaning no dust was visible during the visit. However, it is considered that the bunding around the eastern boundary should provide a more effective screen to reduce dust impacting nearby properties. Whilst there continued to be a number of stockpiles on site, there was no evidence that these are causing a dust issue. A breach of the permit issued by the EA was observed on site in relation to the use of a mobile crusher. This is therefore being raised with the relevant regulatory authority by the EA jointly with the Council. The Council's Environmental Protection team consider that, at this stage, no further action is required. This will be kept under review and should we receive further complaints, Council Officers will investigate with help from the site regulators, the Environment Agency.</p>
8.26 – 8.28	<p>The 'Site Identification Study' of 2014 (SD060) concluded the site is over the recommended number of pitches and therefore not considered suitable for further intensification or expansion, beyond which is already permitted.' Due to its failure to pass the first phase of the site selection process, the Osbaldwick Site was not reassessed in Document SD005: 'York Local Plan Preferred Options' June 2016</p>	<p>For clarity, SD005 'Local Plan Preferred Options (2013) preceded SD060 'Site Identification Study - Gypsy, Roma, Traveller and Travelling Showpeople Sites Study' (2014). The evidence informing that work is superseded by GTAA (2017) SD059 and GTAA (2022) [EXCYC88] as well as the following decisions/consultation versions of the Local Plan.</p> <ul style="list-style-type: none"> • The Local Plan Preferred Sites Consultation (2016) [SD018] consulted on alternatives pending the outcomes of the updated 2017 GTAA [SD059]. • Executive decision to proceed to Reg 18 consultation on 13 July 2017 [SD027A-E] considered the recommendations for a revised H5 and H6 policy approach to provision following receipt of the GTAA (Annex 9 [SD027C]) • This was followed later by Executive decision 25 Jan 2018 [SD028] to proceed to Reg 19 consultation, then Executive recommendation to submit on 8 May 2018 [CD006] and full • Council decision to submit for examination 17 May 2018 [CD005].

Paragraph Reference	Summary of issue raised	CYC response
		<p>It is incorrect for the York Travellers Trust to assert that the site had not been properly assessed and considered. The proposals to expand supply at Osbaldwick must be understood in the context of the change in evidence that emerged during the examination, i.e. the findings of the 2022 GTAA update. This required a specific policy response / modification and it was entirely appropriate for the existing sites to be considered. The impacts of these changes were assessed as part of the Sustainability Appraisal and Habitats Regulations Assessment work on all proposed modifications:</p> <ul style="list-style-type: none"> • SA - https://www.york.gov.uk/downloads/file/8758/sustainability-assessment-addendum from PDF pg 535; and • HRA - https://www.york.gov.uk/downloads/file/8757/habitat-regulations-assessment-addendum from PDF pg 62)
8.29	<p>The proposed modification to the Green Belt boundary contained at Paragraph 4.8 ex_cyc_121a makes it clear that the land that is required by Condition 2 to the 2013 permission to provide horse grazing, field shelters and children's play areas is now intended to deliver, instead, a further 4 – 17 new pitches. These will inevitably be closer to the Waste Transfer Site and its waste piles next door than the existing pitches, the residents of which, as above, are already experiencing environmental harm as a result of their proximity.</p>	<p>Matters relating to the site's configuration to support additional pitches will be thoroughly considered as part of the design process and assessed as part of the determination of the planning application. It is also the Council's intention to work with York Travellers Trust to produce an SPD supporting policy H5 regarding site delivery and pitch design.</p> <p>As explained above, it is very unlikely that all 17 pitches will need to be delivered on the site. It should also be noted that around half the designated site is located in Green Belt and this land will therefore remain capable of supporting ancillary uses compatible in Green Belt, such as horse grazing.</p>

Paragraph Reference	Summary of issue raised	CYC response
8.30 – 8.38	<p>Insufficient assessment of the site’s suitability has been undertaken. The standards and criteria that the proposed expansion of the site has been assessed against relate only to the boundaries of the Green Belt, and the amount of land required to provide pitches. These concerns were not the basis for the failure of the Site to pass the first phase of the Site Selection Process SD060.</p>	<p>See response to 8.26 – 8.28 above.</p>
8.36	<p>There has been no consideration by the Council of its obligations under the Human Rights Act 1998 or the Equality Act 2010 in its Policy making decisions here. There has been no consultation with the existing residents of the site, or with the Housing Team who is ultimately responsible for its management.</p>	<p>See response to paragraphs 8.1 – 8.3</p> <p>We respectfully disagree. It is clear from the audit of activity set out in Appendix 1 that there has been consistent dialogue between frontline/ operational officers, planning officers, senior managers and the York Travellers Trust.</p> <p>Further issues related to management are set out in Matter 1, part 2.</p>
8.37	<p>There is no realistic prospect that development will be delivered on the site within 5 years.</p>	<p>As landowner and manager of the site, the Council has significantly more control over its development than would otherwise be the case if the Plan relied on private sites to deliver the 5-year additional pitch requirements.</p> <p>As detailed in Matter 1, the Council has already sought to invest in a new post whose role will be to deliver against the requirements in the plan and a further report is expected with regards to a gypsy and traveller strategy in due course.</p>

