

# CONSULTATION ON ALL PROPOSED MAIN MODIFICATIONS TO POLICY H5 'GYPSIES AND TRAVELLERS'

18 July – 30 August 2024

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## Purpose of the consultation

As part of the ongoing examination of the City of York Local Plan, and following the further examination hearing held in March this year, and the Inspectors' letter of 7 May 2024 giving their views on the issues considered at that hearing [[EX/INS/50](#)], further changes are proposed to Policy H5 (Gypsies and Travellers) to bring the Plan into line with national policy and, following the Inspectors' recommendations, for the Local Plan to be found 'sound'.

This consultation focuses on these main modifications (presented below) and all representations made will be considered by the Inspectors in examining the Plan. Comments should relate to the Plan's legal and procedural compliance and the soundness of these specific modifications. The tests of soundness are set out in the [National Planning Policy Framework](#).

Modifications are put forward without prejudice to the Inspectors' final conclusions.

All main modifications to Policy H5 and explanatory text are subject to this consultation and effectively supersede those presented in the Schedule of Main Modifications at [EX/CYC/128](#) (See Annex A).

## Previously proposed Main Modifications

In February 2023 a Schedule of Main Modifications ([EX/CYC/128](#)) was subject to six week consultation. Modifications relating to Policy H5, and its explanatory text were proposed as part of this schedule at MM5.11, MM5.12, MM5.15, and MM5.16 (see Annex 1).

During the Phase 5 Hearing (March 2024), the Council also tabled its proposal to withdraw policy map modification PMM26 which had also been subject to consultation in January 2023 ([EX/CYC/128a](#)). The designations relating to Outgang Lane, Osbaldwick are now, therefore, unchanged from those shown on the submitted policy map ([CD004a](#)).

The Council presented further changes to Policy H5 in the appendix to its hearing statement ([EX/CYC/132](#)), which were discussed at the Hearing in March 2024.

## Scope of this consultation

The proposed Main Modifications to Policy H5 are set out below in MM5.23 – MM5.25.

As advised by the Inspectors, these Main Modifications are necessary to make Policy H5, and the Plan as a whole, sound. Specifically, the modifications:

- Ensure the policy is justified by reflecting up to date evidence in the revised GTAA and bring it into line with the revised definition in the PPTS;
- Embed an approach to masterplanning the expansion of the two existing sites as a prerequisite to the sustainable delivery of new pitches;
- Clarify the policy approach to delivery of new pitches on Strategic Sites and the planning application requirements.

### Schedule of Proposed Main Modifications to Policy H5 (July 2024)

To aid readability, the policy wording and explanatory text are shown in full overleaf, with deletions indicated by ~~strikethrough~~ and new text underlined. The modifications are also colour coded to make clear the following:

- Black text / no highlight – Wording as submitted in Local Plan (draft), May 2018
- Yellow highlighted text – Main Modifications proposed and consulted on, January 2023
- Green highlighted text – Additional main modifications, recommended February 2024
- Blue highlighted text – Additional main modifications, recommended May 2024

Modification Ref	Policy H5: Gypsies and Travellers
MM5.23	<p><b>Safeguarding Existing Supply</b> Proposals which fail to protect existing Gypsy and Traveller sites or involve a loss of pitches/plots will not be permitted unless it can be demonstrated that they are no longer required or equivalent alternative provision can be made. Existing Gypsy and Traveller sites are shown on the <del>proposals</del> <u>Policies</u> Map, and are listed below:</p> <ul style="list-style-type: none"> <li>- James Street, Layerthorpe</li> <li>- Water Lane, Clifton; and,</li> <li>- Outgang Lane, Osbaldwick</li> </ul> <p><b>Meeting Future Need</b> In order to meet the accommodation needs of Gypsies and Travellers, provision will be made in the following ways:</p> <p><b>a) <u>Within Existing Local Authority Sites</u></b> In order to meet the need of Gypsies and Travellers that meet the planning definition, <del>10</del> <u>3</u> additional pitches will be <u>provided identified</u> within the existing <del>three</del> Local Authority sites <u>at</u>:</p> <ul style="list-style-type: none"> <li>- <u>Water Lane, Clifton; and</u></li> <li>- <u>Outgang Lane, Osbaldwick</u></li> </ul> <p><u>The development of further pitches at Water Lane, Clifton is subject to the production and approval of a Masterplan that demonstrates</u></p>

how the principles set out in part C (below) are to be addressed on the site. The provision of all new pitches on the site must be in accordance with the approved Masterplan. No further accommodation is to be occupied at the site until such a Masterplan has been submitted and approved and the measures it identifies have been carried out.

The development of further pitches at Outgang Lane, Osbaldwick is subject to the production and approval of a Masterplan that demonstrates how the principles set out in part C (below) are to be addressed on the site. The Masterplan must also:

- Identify measures to improve the access arrangements to the site to ensure it is brought up to an acceptable standard, with the carriageway properly surfaced, and pavements and street-lighting provided. This should involve a link from the north of the site to the new road that will connect Strategic Site ST7 (Land East of Metcalfe Lane) to Murton Way.
- Provide details of the significant landscaping belt and/or other measures required to lessen the environmental impact of the adjacent waste processing site.

No further accommodation is to be occupied at Outgang Lane, Osbaldwick until such a Masterplan has been submitted and approved, and all necessary access, landscaping and other measures it identifies have been carried out.

#### **b) Within Strategic Allocations**

In order to meet the need of those ~~28 44~~ Gypsies and Traveller households that do and do not meet the planning definition:

Residential development proposals on strategic sites ~~Applications for larger development sites of 5 ha or more will be required to:~~ provide a number of pitches within the site or provide alternative land that meets the criteria set out in part c) of this policy to accommodate the required number of pitches.

Commuted sum payments to contribute to development of pitches elsewhere will only be considered where it is demonstrated that on site delivery is not achievable due to site constraints and that there are no suitable and available alternative sites for the required number of pitches that can be secured by the developer.

- ~~— Provide a number of pitches within the site; or~~
- ~~— Provide alternative land that meets the criteria set out in part (c) of this policy to accommodate the required number of pitches; or~~
- ~~— Provide commuted sum payments to contribute towards to development of pitches elsewhere.~~

	<p>The calculations for this policy will be based on the hierarchy below:</p> <ul style="list-style-type: none"> <li>- 100 - 499 dwellings - 2 pitches should be provided</li> <li>- 500 - 999 dwellings - 3 pitches should be provided</li> <li>- 1000 - 1499 dwellings – 4 pitches should be provided</li> <li>- 1500 - 1999 dwellings - 5 pitches should be provided</li> <li>- 2000 or more dwellings - 6 pitches should be provided</li> </ul>
<p><b>MM5.24</b></p>	<p><b>c) <u>Planning Applications</u></b></p> <p>In addition to the above allocated sites, development for Gypsy and Traveller sites will be permitted where proposals:</p> <ul style="list-style-type: none"> <li>i. do not conflict with the objective of conserving and enhance York’s historic and natural environment. This includes the city’s character and setting and internationally, nationally and locally significant nature conservation sites, green corridors and areas with an important recreation function;</li> <li>ii. ensure accessibility to public transport and services;</li> <li>iii. are suitable in terms of vehicular access and road safety including internal space for adequate parking and turning;</li> <li>iv. ensure that development does not have an undue impact on the residential amenity of current residents and future occupiers, including leading to unacceptable levels of congestion, pollution and air quality; and</li> <li>v. appropriately manage flood risk.</li> </ul> <p>In addition, proposals will be expected to:</p> <ul style="list-style-type: none"> <li>vi. provide adequate provision for storage, recreation space, amenity provision and utility services;</li> <li>vii. ensure that the size and density of pitches/plots <b>are in accordance with have regard to</b> best practice guidance;</li> <li>viii. incorporate appropriate landscape proposals to have a positive influence on the quality and amenity of the development;</li> <li>ix. ensure that residents living nearby are not unduly affected by noise, disturbance or overlooking; and</li> <li>x. ensure future occupiers would not be subject to significant adverse environmental impacts.</li> </ul> <p>Any permission granted for a Gypsy and Traveller development will be subject to a condition limiting occupation to Gypsies and Travellers, as appropriate.</p>
<p><b>MM5.25</b></p>	<p><b>Explanation</b></p> <p>5.36 Key evidence including the Equality and Human Rights Commission report Inequalities Experienced by Gypsy and Traveller Communities (2009) suggests that today Gypsies and Travellers are the most marginalised and disadvantaged of all</p>

minority groups nationally, suffering the greatest inequalities across a range of indicators.

5.37 Planning Policy for Traveller Sites (2015 2023) introduced a revised **the** definition for Travellers which states that households that do not **travel and have not ever** travelled for work purposes fall outside the planning definition of a Traveller. In light of the revised definition, the Council **updated the evidence that informed the City of York Gypsy and Travellers Accommodation Assessment (2022) and the resulting pitch requirements are set out in table 5.3** commissioned consultants to undertake an update of the Gypsy, Traveller, and Showpeople Accommodation Assessment completed in 2013. As part of this update, Gypsy, Traveller and Showpeople households completed as revised survey which could be used to analyse their travel patterns and to conclude whether or not they fall into the revised definition of Travellers.

5.38 Table 5.3 overleaf is taken from the City of York Gypsy and Travellers Accommodation Assessment Update (2017) and summarises the number of households in York which do/do not meet the definition

Table 5.3: **Pitch** needs for Gypsy and Travellers 2022-2038 Meeting the Revised Definition of a Traveller

Delivery Status	Pitch Requirements
Meet Planning Definition (including undetermined)	12
Do not meet Planning Definition (including undetermined)	26
<b>Total</b>	<b>38</b>

Households in York	GTAA <sup>1</sup>	SHMA <sup>2</sup>	Total
Households that meet the planning definition (incl. 10% of unknown need)	3	0	3
Households that do not meet the planning definition (incl. 90% of unknown need)	0	44	44
<b>Total</b>	<b>3</b>	<b>44</b>	<b>47</b>

<sup>1</sup> GTAA – Gypsy and Traveller Accommodation Assessment

<sup>2</sup> SHMA – Strategic Housing Market Assessment

Showpeople households that meet the planning definition	3	0	3
Total	3	0	3

5.39 In accordance with Government guidance set out in the NPPF (2012) and Planning Policy for Traveller Sites (2015 2023), the Council is required to identify a supply of specific, deliverable Gypsy, Traveller and Travelling Showpeople sites sufficient to provide five years' worth of sites against their locally set targets to meet accommodation needs of these groups who meet the revised definition in York.

5.40 It is recognised that Gypsies and Travellers and Travelling Showpeople have different needs and that the two different groups should not be located on the same areas of land. Gypsy and Traveller and Travelling Showpeople provision has its own specific terminology. Gypsy and Traveller provision is expressed in 'pitches' on sites whereas Travelling Showpeople provision is expressed as 'plots' on sites often called a 'yard'. Nationally, pitch/plot sizes range from 200 m<sup>2</sup> to 500 m<sup>2</sup>. An upper measurement of 500 m<sup>2</sup> has been used in the allocation of sites to allow final design to Sites will be designed to accommodate all of the requirements set out in design guidance, including landscaping, play space and access arrangements. Space has will also been taken into account for equine grazing which is a much needed provision in York. Final pitch sizes will ultimately be a matter for detailed planning applications to determine.

5.40a The Council is committed to investing in each of its owned and managed traveller sites to ensure that current and future residents are not exposed to unsatisfactory living conditions and that steps are taken to improve existing facilities. In addition to this, following adoption of the plan the Council will undertake an early site search within the terms of PPTS and assess any options that emerge as potential alternatives sites to the further expansion of its sites at Osbaldwick and Clifton. Options will need to be considered in the context of the masterplan process required by part A of Policy H5. The masterplan outputs will form a benchmark against which options shall be assessed. This work will be undertaken as part of a comprehensive package of actions developed and progressed in collaboration with the gypsy and traveller community to ensure that existing inequalities are properly addressed.

5.41 ~~Three~~ ~~Two~~ plots for Travelling Showpeople ~~have has~~ been identified for the first 5 years of the plan period at The Stables, Elvington, with a further 1 plot in the same yard for the future expansion of the existing family in year 2032. The nature of Travelling Showpeople's work, requires level hard standings and covered sheds for the maintenance and storage of large fairground

rides. For this reason, applications for yards in existing and allocated employment sites will be supported where the provision will not compromise the employment land supply.

5.42 ~~The suitability of the location of any further sites for Gypsies, Travellers or Travelling Showpeople which come forward during the plan period will be determined in accordance with criteria i - v of Policies H5 and H6. These consider the natural and historic environment, access to public transport and services, road access and congestion, flood risk and amenity. The development of the allocated sites and any further sites that come forward during the plan period will be determined in accordance with Policies H5 and H6 criteria vi - x. These consider the provision of storage and recreation space, amenity provision, size and density of pitches/plots, landscaping of the site, amenity of nearby residents and future occupiers of the site.~~

5.42 The suitability of sites not allocated for Gypsies, Travellers or Travelling Showpeople in this Local Plan will be assessed against the locational principles within criteria i-v of Policies H5 and H6 (Part C) as appropriate. All development proposals (including those forming part of a strategic allocation) will need to demonstrate that the site's design and layout observes the principles within criteria vi-x of Policies H5 and H6, as appropriate.

Where proposals seek to provide a commuted sum in lieu of either on or off-site pitch provision, applications will need to comprehensively demonstrate the following:

1. That the design parameters (vi - x in part C of Policy H6) cannot be satisfactorily achieved through evidence of a site and masterplan appraisal (which should include layout and capacity assessments as well as a demonstration of all reasonable attempts to overcome any site constraints); and,
2. That there are no available sites which would be suitable for the number of pitches required. Evidence should include an appraisal of sites on the market at the time of the application with clear justification for their rejection.

Committed sums will be calculated on the basis that costs are met in full including, where appropriate, land purchase, professional fees, construction, and operating costs.

5.43 A condition will be attached to any permission to ensure that the sites remain in use by Gypsies and Travellers or Travelling Showpeople, as appropriate and the number of pitches and plots are retained to ensure a supply to need demand.

**Delivery**

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|  | <ul style="list-style-type: none"><li>• Key Delivery Partners: City of York Council, Developers, Housing Charities, Gypsy, Roma, Traveller and Travelling Showpeople stakeholders</li><li>• Implementation: Planning applications <del>and strategic site</del> <b>masterplans</b></li></ul> |
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## Annex 1: Superseded Main Modifications consulted on in 2023 (For Reference Only)

Modifications relating to Policy H5, and its explanatory text were proposed as part of the Schedule of Main Modification in February 2023 [[EX/CYC/128](#)]. The following modifications 5.11, 5.12, 5.15 and 5.16 are superseded by 5.23-5.25 (May 2024).

<p><b>MM5.11</b> Policy H5: Gypsies and Travellers</p>	<p><b>Safeguarding Existing Supply</b> Proposals which fail to protect existing Gypsy and Traveller sites or involve a loss of pitches/plots will not be permitted unless it can be demonstrated that they are no longer required or equivalent alternative provision can be made. Existing Gypsy and Traveller sites are shown on the <b>proposals Policies</b> Map, and are listed below: ...</p> <p><b>a) Within Existing Local Authority Sites</b> In order to meet the need of Gypsies and Travellers that meet the planning definition, <b>10 3</b> additional pitches will be <b>provided identified</b> within the existing <b>three</b> Local Authority sites at:</p> <ul style="list-style-type: none"> <li>• <b>Water Lane, Clifton; and</b></li> <li>• <b>Outgang Lane, Osbaldwick.</b></li> </ul> <p><b>b) Within Strategic Allocations</b> In order to meet the need of those <b>30 44</b> Gypsies and Traveller households that <b>do and</b> do not meet the planning definition:</p> <p><b>Residential development proposals on strategic sites Applications for larger development sites of 5 ha or more will be required to: provide a number of pitches within the site or provide alternative land that meets the criteria set out in part c) of this policy to accommodate the required number of pitches.</b></p> <p><b>Commuted sum payments to contribute to development of pitches elsewhere will only be considered where it is demonstrated that on site delivery is not achievable due to site constraints and that there are no suitable and available alternative sites for the required number of pitches that can be secured by the developer</b></p> <ul style="list-style-type: none"> <li>• <b>provide a number of pitches within the site; or</b></li> <li>• <b>provide alternative land that meets the criteria set out in part (c) of this policy to accommodate the required number of pitches; or</b></li> <li>• <b>provide commuted sum payments to contribute towards to development of pitches elsewhere.</b></li> </ul> <p>...</p>	<p>To ensure the Plan is justified, reflecting up to date evidence in the published 2022 GTAA, and to provide clarity, including in the application of the policy cascade.</p>
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<p><b>MM5.12</b> Policy H5: Gypsies and Travellers</p>	<p><b>c) Planning Applications</b>          ...          In addition, proposals will be expected to:          ...          vii. ensure that the size and density of pitches/plots <del>are in accordance with</del> <b>have regard to</b> best practice guidance;...</p>	<p>To ensure consistency with the NPPF and to provide clarity.</p>																																								
<p><b>MM5.15</b> Policy H5 and H6 Explanation Para 5.38 and Table 5.3</p>	<p>...          5.38 Table 5.3 overleaf is taken from the City of York Gypsy and Travellers Accommodation Assessment <del>(2022) Update (2017)</del> and summarises the number of households in York which do/do not meet the definition.</p> <p><b>Table 5.3: Need for Gypsy and Traveller Households broken down by Local Plan Policy Type Meeting the Revised Definition of a Traveller</b></p> <table border="1" data-bbox="338 611 1420 842"> <thead> <tr> <th>Delivery Status</th> <th>Gypsy and Traveller Policy</th> <th>Housing Policy</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Meet Planning Definition</td> <td>15</td> <td>-</td> <td>15</td> </tr> <tr> <td>Do not meet Planning Definition</td> <td>-</td> <td>25</td> <td>25</td> </tr> <tr> <td><b>Total</b></td> <td><b>15</b></td> <td><b>25</b></td> <td><b>40</b></td> </tr> </tbody> </table> <table border="1" data-bbox="338 874 1442 1193"> <thead> <tr> <th>Households in York</th> <th>GTAA<sup>41</sup></th> <th>SHMA<sup>42</sup></th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Households that meet the planning definition (incl. 10% of unknown need)</td> <td>3</td> <td>0</td> <td>3</td> </tr> <tr> <td>Households that do not meet the planning definition (incl. 90% of unknown need)</td> <td>0</td> <td>44</td> <td>44</td> </tr> <tr> <td><b>Total</b></td> <td><b>3</b></td> <td><b>44</b></td> <td><b>47</b></td> </tr> <tr> <td>Showpeople households that meet the planning definition</td> <td>3</td> <td>0</td> <td>3</td> </tr> <tr> <td><b>Total</b></td> <td><b>3</b></td> <td><b>0</b></td> <td><b>3</b></td> </tr> </tbody> </table> <p><sup>41</sup> GTAA – Gypsy and Traveller Accommodation Assessment  <sup>42</sup> SHMA – Strategic Housing Market Assessment</p> <p>...          5.41 <del>Three Two</del> plots for Travelling Showpeople <del>have has</del> been identified for the first 5 years of the plan period at The Stables, Elvington, <del>with a further 1 plot in the same yard for the future expansion of the existing family in year 2032.</del></p>	Delivery Status	Gypsy and Traveller Policy	Housing Policy	Total	Meet Planning Definition	15	-	15	Do not meet Planning Definition	-	25	25	<b>Total</b>	<b>15</b>	<b>25</b>	<b>40</b>	Households in York	GTAA <sup>41</sup>	SHMA <sup>42</sup>	Total	Households that meet the planning definition (incl. 10% of unknown need)	3	0	3	Households that do not meet the planning definition (incl. 90% of unknown need)	0	44	44	<b>Total</b>	<b>3</b>	<b>44</b>	<b>47</b>	Showpeople households that meet the planning definition	3	0	3	<b>Total</b>	<b>3</b>	<b>0</b>	<b>3</b>	<p>To ensure the Plan is justified, reflecting up to date evidence in the published 2022 GTAA, and to provide clarity.</p>
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<p><b>MM5.16</b> Policy H5 and H6 Explanation – paragraph 5.42</p>	<p>5.42 The suitability of the location of any further sites for Gypsies, Travellers or Travelling Showpeople which come forward during the plan period will be determined in accordance with criteria i - v of Policies H5 and H6. These consider the natural and historic environment, access to public transport and services, road access and congestion, flood risk and amenity. The development of the allocated sites and any further sites that come forward during the plan period will be determined in accordance with Policies H5 and H6 criteria vi – x. These consider the provision of storage and recreation space, amenity provision, size and density of pitches/plots, landscaping of the site, amenity of nearby residents and future occupiers of the site.</p> <p>5.42 The suitability of sites not allocated for Gypsies, Travellers or Travelling Showpeople in this Local Plan will be assessed against the locational principles within criteria i-v of Policies H5 and H6 (Part C) as appropriate. All development proposals (including those forming part of a strategic allocation) will need to demonstrate that the site's design and layout observes the principles within criteria vi-x of Policies H5 and H6, as appropriate.</p> <p>Where proposals seek to provide a commuted sum in lieu of either on or off-site pitch provision, applications will need to comprehensively demonstrate the following:</p> <ol style="list-style-type: none"> <li>1. That the design parameters (vi – x in part C of Policy H6) cannot be satisfactorily achieved through evidence of a site and masterplan appraisal (which should include layout and capacity assessments as well as a demonstration of all reasonable attempts to overcome any site constraints); and,</li> <li>2. That there are no available sites which would be suitable for the number of pitches required. Evidence should include an appraisal of sites on the market at the time of the application with clear justification for their rejection.</li> </ol> <p>Committed sums will be calculated on the basis that costs are met in full including, where appropriate, land purchase, professional fees, construction, and operating costs.</p>	<p>To provide clarity on the policy approach and planning application requirements</p>