



City of York Local Plan

Reg 22 Consultation Statement Addendum

Proposed Main Modifications to Policy H5 'Gypsies And Travellers' and H6 'Travelling Showpeople' Consultation

July 2024

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1. Purpose of Report

- 1.1 As part of the ongoing examination of the City of York Local Plan, the Inspectors asked for consultation to be carried out on the Proposed Main Modifications they consider may be necessary in order to bring the Plan into line with national policy and for the Local Plan to be found 'sound'.
- 1.2 The Proposed Main Modifications consultation ran for 6 weeks from 18 July 2024 to 3 September 2024.
- 1.3 This consultation statement provides a high-level summary of the main issues raised during the consultation and appends a brief summary of all duly made representations. It provides an addendum to the submitted City of York Local Plan Consultation Statement (May 2018); it therefore does not restate its previously published summaries of consultation, which are set out in¹:
- [CD013A](#) Regulation 22 Consultation Statement, May 2018;
 - [EX/CYC/22](#) and [22a](#) Regulation 22 Consultation Statement update, September 2019;
 - [EX/CYC/65](#) Regulation 22 (c) Consultation Statement Addendum, September 2021; and
 - [EX/CYC/123bij](#) Regulation 22 Consultation Statement Addendum, June 2023).
- 1.4 This statement has been prepared in accordance with Regulation 22 (1) (c) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Its purpose is to show how we have met the legal requirements for consultation.
- 1.5 Regulation 22 (1) (c) requires a statement setting out:
- i) which bodies and persons the local planning authority invited to make representations under regulation 18;
 - ii) how those bodies and persons were invited to make representations under regulation 18;
 - iii) a summary of the main issues raised by the representations made pursuant to regulation 18;
 - iv) how any of those representations made pursuant to regulation 18 have been taken into account;
 - v) if representations were made pursuant to regulation 20, the number of representations made and a summary of the main issues raised in those representations; and

¹ All documents can be found on the New Local Plan website
<https://www.york.gov.uk/LocalPlanExamination>

vi) if no representations were made in regulation 20, that no such representations were made.

2. Who was invited to make representations

2.1 Formal notification of the consultation was given on 18 July 2024 and representations were invited for a 6-week period ending midnight on 30 August 2024 (subsequently extended on request until midnight on 3 September 2024).

2.2 In accordance with the Council's Statement of Community Involvement consultation, arrangements included the following:

- Emails/letters informing consultees of consultation dates and how to view and respond to the consultation material were sent out at the start of the consultation period. This included all representors from earlier stages of plan-making who had not withdrawn their interest, internal colleagues and other specific and general consultation bodies. A copy of the correspondence, including the enclosed Guidance Note, is at appendix A;
- Formal notice was given at the Council's West Offices (appendix B)
- An advert was placed in the York Press on 18 July 2024 (the start of the consultation period), providing details of the consultation, including where the consultation documents would be made available to view (appendix B);
- A [press release was issued](#), resulting in local press coverage (appendix C).
- All documents were made available on the Council's website, with hard copies available to view at the Council's West Offices;
- Posters were sent to local libraries and Explore centres to publicise the consultation and explain how to view the documents and make comments (appendix D).
- Notice was given via the Council's social media channels with regular reminders throughout the consultation;
- A consultation portal was set up on the Council's website, hosting all consultation material and the response survey <https://www.york.gov.uk/planning-policy/local-plan-proposed-main-modifications-consultation-july-2024>
- Direct engagement with relevant parties.

3. Duty to co-operate

- 3.1 The Council maintains active engagement with neighbouring authorities and other specific consultees. All relevant bodies were notified of the consultation and invited to respond.
- 3.2 As is shown in the published Statements of Common Ground, the Council has maintained ongoing engagement to resolve a number of outstanding strategic matters leading up to, and as part of, the Examination hearing sessions (see <https://www.york.gov.uk/planning-policy/local-plan-examination-library-statements-common-ground>)
- 3.3 During August, the Council's Gypsy and Traveller Accommodation Officer undertook direct consultation with residents of the Council's 3 existing Gypsy and Traveller sites to understand more about their views on site condition and proposed Local Plan policy. The consultation reached 30 households, around 50% of residents (Appendix J provides anonymised survey returns). In terms of the proposed extension of existing sites, in summary:
- residents of 11 out of 13 plots at Clifton would not object to extending the Clifton site by 6 pitches (some on the proviso that improvements to the site are made);
 - none of the 10 households questioned at Osbaldwick would object to extending the Osbaldwick site by 4 pitches (some on the proviso that improvements to the site are made);
 - residents by majority are opposed to further extension beyond that proposed in policy H5.
- 3.4 The Council engaged with the York Travellers Trust (YTT) ahead of the start of consultation to discuss the contents of the Inspectors letter of 7 May 2024 [\[EX/INS/50\]](#) and forthcoming consultation, as follows:
- 23 May 2024 – the Head of Strategic Planning Policy spoke with the planning agent representing YTT; and
 - 9 July 2024 - a meeting was held with Council officers and YTT, chaired by Councillor Kilbane.
- 3.5 Meetings were also scheduled to discuss the proposed Main Modifications and consultation wording in detail following on from the meeting held on 9 July with YTT. However, following written questions to the Council and the Council's response (Appendix K) these were subsequently cancelled. Officers and YTT agreed to draft a Statement of Common Ground for consideration; at the time of publishing this matter is ongoing.
- 3.6 Meetings were scheduled during the consultation period with developers/site agents involved with Strategic Site ST7: East of Metcalfe Lane as this site is referenced in the proposed modifications. Discussion centred on the main modifications proposed and implications for the site.

4. Method of response

4.1 A Statement of Representation Procedure was published which provided details on how to make representations; a copy can be found at appendix A. Representations could be made in writing or by electronic communication, via the following means:

- via our online survey at <https://www.york.gov.uk/consultations> (see appendix E).
- by requesting a response form, returnable by post or email.
- Emailing localplan@york.gov.uk

5. Summary of main issues raised

5.1 There were 94 representations received on the Proposed Main Modifications consultation from 36 respondents (Appendix F lists all respondents).

5.2 A summary of all duly made representations received is set out in Appendix H, grouped in main modification order. It does not replace the content of submitted representations which are provided in full to the Inspectors for their consideration.

5.3 A number of responses received were incomplete or did not relate to the Proposed Modifications consultation; these are considered non-duly made. Non-duly made responses do not form part of the consultation summaries but are summarised for information at Appendix I. The full non-duly made responses are submitted to the Inspectors.

5.4 To provide context to some responses received, a planning application for proposed strategic allocation ST9: Land North of Haxby is subject to ongoing negotiation.² Immediately prior to the opening of Main Modifications consultation the agent submitted correspondence stating that on-site provision for Gypsies and Travellers could be made in land formerly proposed for an expansion to Haxby cemetery. References to a Gypsy and Traveller site on Haxby cemetery refer to the planning application.

² **23/00160/OUTM** Outline application with all matters reserved except for access for circa 800 dwellings (Class C3), provision of open space including primary school, sports and recreational facilities, flood storage measures, Gypsy and Traveller pitch provision, landscaping and associated infrastructure (revised description).

6. What happens next?

- 6.1 The representations relating to the Proposed Main Modifications consultation are submitted in full to the Inspectors undertaking the examination. They will be made available online under the provisions set out in the published Privacy Notice (appendix G).

- 6.2 The Inspectors will consider all the representations made on the proposed MMs before finalising the examination report and the schedule of recommended MMs. Further hearing sessions will not usually be held, unless the Inspectors consider them essential to deal with substantial issues raised in the representations, or to ensure fairness. If the plan is found 'sound', with any necessary modifications, it would be able to be adopted by the Council.

Appendix A. Consultation Letter/Email, Statement of Representations Procedure and Guidance Note



City Development Directorate
Strategic Planning Policy
City of York Council
West Offices
Station Rise
York
YO1 6GA

Dear Resident/Business,

CITY OF YORK LOCAL PLAN
CONSULTATION ON PROPOSED MODIFICATIONS TO POLICY H5 'GYPSIES AND TRAVELLERS'

**THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND)
REGULATIONS 2012 – REGULATION 19, 20 and 35**

<https://www.york.gov.uk/LocalPlanConsultation2024>

In keeping with planning regulations, I am writing to let you know about an opportunity to comment on the 'Proposed Modifications to Policy H5 'Gypsies and Travellers' to the City of York Local Plan.

You are getting this email because you, or someone in your business or household, previously expressed an interest in, or responded to, a Local Plan consultation.

The Local Plan is an important document which will provide a development framework for the whole city and form the basis for future planning decisions.

The City of York Local Plan (2017-2033) is currently in a process known as 'Examination' by independent Planning Inspectors following its submission to the Secretary of State for Housing, Communities and Local Government on 25 May 2018.

After the first set of examination hearings - which took place in December 2019 - we put forward a number of 'Proposed Modifications' to the Local Plan we originally submitted. Consultation on those proposed modifications took place in two phases, from 10 June - 22 July 2019 and 25 May - 7 July 2021.

Examination hearing sessions to discuss the submitted plan - including those proposed modifications - were then held between May and September 2022 and a 'Main modifications' consultation was undertaken in February 2023.

Following that consultation, a further Phase 5 hearing was convened to specifically consider Gypsy and Traveller issues. The Inspectors have now asked us to consult on proposed 'Main Modifications', in response to issues raised before and during those sessions.

The 'Statement of Representations Procedure' and 'Guidance note' on the consultation webpages have further, detailed guidance on the scope of our consultation, and will help you to understand how to submit your representations (comments) to the Council as well as what you need to consider when preparing them. Any written representations made will be processed in accordance with our Privacy Notice and considered directly by the independent Planning Inspectors.

You can respond at any time during the 6-week consultation period until midnight on 30 August 2024.

All consultation documents are available on our website <https://www.york.gov.uk/consultations>. Documents can also be seen electronically at the city's libraries and Explore Centres. Printed copies will be available, subject to prior request to the Strategic Planning Team, at our Customer Service Centre in West Offices.

You can comment on the consultation via our online survey at www.york.gov.uk/consultations. Alternative format response forms are available from the Strategic Planning Team at localplan@york.gov.uk or (01904) 552255.

If you require further information or advice, or would like further information on the Local Plan, any associated documents or the Local Plan process, please contact the Strategic Planning Team by emailing localplan@york.gov.uk or phoning (01904) 552255. You can also use these contact details to notify us if you no longer want to receive these planning updates.

We look forward to receiving your comments.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Ian Floyd', with a yellow highlight behind the name.

Ian Floyd

Chief Operating Officer



Place Directorate
Strategic Planning Policy
City of York Council
West Offices
Station Rise
York
YO1 6GA

July 2024

Dear Resident/Business,

CITY OF YORK LOCAL PLAN

CONSULTATION ON PROPOSED MODIFICATIONS TO POLICY H5 'GYPSIES AND TRAVELLERS'

**THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012 –
REGULATION 19, 20 and 35**

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All consultation documents are available on our website :<https://www.york.gov.uk/consultations>. Documents can also be seen electronically at the city's libraries and Explore Centres. Printed copies will be available, subject to prior request, at our Customer Service Centre in West Offices.

You can comment on the consultation via our online survey at www.york.gov.uk/consultations. Alternative format response forms are available from the Strategic Planning Policy Team at localplan@york.gov.uk or (01904) 552255.

If you require further information or advice, or would like further information on the Local Plan, any associated documents or the Local Plan process, please contact the Strategic Planning Policy Team by emailing localplan@york.gov.uk or phoning (01904) 552255. You can also use these contact details to notify us if you no longer want to receive these planning updates.

We look forward to receiving your comments.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Ian Floyd', is positioned above the typed name and title.

Ian Floyd

Chief Operating Officer

**STATEMENT OF REPRESENTATION PROCEDURE AND AVAILABILITY OF
DOCUMENTS
THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND)
REGULATIONS 2012 – REGULATION 19, 20 and 35**

**CITY OF YORK LOCAL PLAN CONSULTATION ON PROPOSED MODIFICATIONS TO
POLICY H5 ‘GYPSIES AND TRAVELLERS’**

Title of Document

City of York Local Plan Consultation on proposed modifications to policy H5 ‘Gypsies and Travellers’.

Subject Matter and Area Covered

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’.

Period of Publication for Representations

Representations are invited on the City of York Local Plan Consultation on proposed modifications to policy H5 ‘Gypsies and Travellers’ from 18th July, for a period of 6 weeks, until midnight on 30 August 2024. This statement provides details on how to make representations.

Statement of arrangements – How to view the documents

During the public consultation period, copies of the main documents associated with the City of York Local Plan Consultation on proposed modifications to policy H5 ‘Gypsies and Travellers’ will be available to view:

- On the Council’s website at <https://www.york.gov.uk/LocalPlanConsultation2024>
- By appointment at the Council’s West Offices, Station Rise, York (Mon-Fri 9:00-17:00, Sat and Sun closed). Please contact the Strategic Planning Team at localplan@york.gov.uk or (01904) 552255 to make arrangements.

Documents are also available to view electronically via the Explore centres and libraries. Current opening times are available to view on the Explore York webpage <https://exploreYork.org.uk/>

Members of the library can book computer sessions up to a week in advance and you can use the booking webpage (<https://pcbookings.exploreYork.org.uk/signup/Logon.asp>) to book a session. You will need your library card number and PIN to log in. Alternatively, you can book by speaking to library staff at any of the open branches. For more information on accessing or booking a computer at a library, and for up-to-date opening times, please see: <https://exploreYork.org.uk/digital/computers-and-wifi-in-libraries/>

Documents which are available to view:

The following documents are available as part of this consultation:

- Schedule of Proposed Main Modifications to Policy H5 (May 2024)
- Sustainability Appraisal addendum
- Habitats Regulation Assessment addendum

An Equalities Impact Assessment will also be available as supporting information.

Representations

Representations can be made throughout the representation period but must be made between 18th July and midnight on 30 August 2024. Please note that late representations cannot be accepted.

Representations can be made in writing or by electronic communication. You can comment on the consultation:

- via our online survey at <https://www.york.gov.uk/consultations>
- by requesting a response form. Contact the Strategic Planning Team at email: localplan@york.gov.uk or telephone: (01904) 552255. The response form can be returned by:
 - email to localplan@york.gov.uk with the subject line 'Draft Local Plan MM Consultation'
 - post to: FREEPOST RTEG-TYYU-KLTZ, Strategic Planning Policy, West Offices, Station Rise, York, YO1 6GA

All representations should include your name and postal address. All individual representations received will be provided to the Planning Inspectors and considered as part of the Local Plan examination. The purpose of the Examination is to consider whether the Local Plan complies with relevant legal requirements for producing Local Plans, including the Duty to Cooperate, and meets the national tests of 'soundness' for Local Plans set out in the National Planning Policy Framework (NPPF).

Therefore, representations submitted at this stage must only be made on these grounds and, where relevant, be supported with evidence to demonstrate why these tests have not been met.

Please refer to the Guidance Note when preparing representations.

Request for Notification

Representations at this stage may be accompanied by a request to be notified about:

- the publication of the recommendations of the Inspectors appointed to carry out the independent examination; and
- the adoption of the local Plan.

For further details, please contact Strategic Planning Team on (01904) 552255 or email localplan@york.gov.uk

How we will use your Personal Data

We will collect information

- When you complete forms either electronically or a paper copy

- By post, email and phone conversations as appropriate

We will use the information you give us to support progress towards adoption and examination of the Local Plan.

As part of the Local Plan process, the Council needs to make information available for public inspection, which we do by publishing on our website and also making paper copies available on request. We will only make available or publish the information we have to do to meet our legal obligations. This includes:

- Your name, or the name of the Organisation you represent.
- Your ID number (if provided)
- Your comments/representations

We are also required by law to share information with the Planning Inspectorate. This includes:

- Your name
- Organisation (where relevant)
- Your ID number (if provided)
- Your contact address/telephone number
- Your email address (if provided)
- Your comments

We will ask for your consent to contact you about the Local Plan or if you have requested to be notified of the submission of the Local Plan for examination, the publication of the Inspectors' recommendations and the adoption of the Local Plan. You can withdraw your consent at any time by contacting localplan@york.gov.uk.

Please read our Privacy Notice to find out more about how we protect your personal information.

GUIDANCE NOTE
CITY OF YORK LOCAL PLAN
PROPOSED MAIN MODIFICATIONS TO POLICY H5 ‘GYPSIES AND
TRAVELLERS’ CONSULTATION JULY 2024

Where do I send my comments?

You can comment on the consultation:

- via our online survey <https://www.york.gov.uk/consultations>
- by requesting a response form. Contact the Strategic Planning Team at localplan@york.gov.uk or (01904) 552255.

The response form can be returned:

- by email to localplan@york.gov.uk with the subject line ‘Draft Local Plan MM Consultation’
- by post to:
1.1 Strategic Planning Policy
West Offices
Station Rise
York
YO1 6GA

However you choose to respond, in order for the Inspectors to consider your comments you must

- **Provide your name and address with your response**
- **Confirm that you consent to our Privacy Policy, as set out in the Privacy Notice.**

On what can I make comments?

Our new Local Plan is currently in the process of examination by independent Planning Inspectors following submission to the Secretary of State for Housing, Communities and Local Government in May 2018.

As part of the examination process, and following the further hearing session 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’.

You can make comments on the proposed Main Modification to Policy H5 and explanatory text as set out in the Schedule. The purpose of this consultation is for you

to say whether you think the proposed modifications make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this note. At this stage in the examination process, the consultation only relates to the proposed main modifications and not other aspects of the plan. The main modifications are put forward without prejudice to the Inspector's final conclusions. Therefore please note:

- Comments can **only** be made on documents which form part of the proposed Main Modifications consultation (set out in the Statement of Representations Procedure and on the consultation webpage)
 - This is not the opportunity to make comments on other aspects of the Plan.
 - If you submitted comments during previous stages of Local Plan consultation, the Inspector has considered these during the examination and there is no need to make these again.
- 1.2

How do I know what has changed?

A modification schedule has been prepared. To aid readability, the policy wording and explanatory text are shown in full with deletions indicated by ~~striketrough~~ 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 July 2024

What are the Tests of Soundness and Legal Compliance?

The purpose of the Examination is to consider whether the Local Plan complies with relevant legal requirements for producing Local Plans, including the Duty to Cooperate, and meets the national tests of 'soundness' for Local Plans set out in the National Planning Policy Framework (NPPF) (see below). Therefore, representations submitted at this stage must only be made on these grounds and, where relevant, be supported with evidence to demonstrate why these tests have not been met.

Legal Compliance

To be legally compliant the plan has to be prepared in accordance with the Duty to

Cooperate and legal and procedural requirements, including the 2011 Localism Act and Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Soundness

Soundness is explained in the NPPF. The Inspectors conducting the Examination in Public have to be satisfied that the Local Plan is 'sound'; namely that it is:

- Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy - the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

Do I have to use the survey/response form?

Yes please. This is because further changes to the plan will be a matter for Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use the survey or consultation response form. Please be as succinct as possible. You can attach additional evidence to support your case, but please ensure that it is clearly referenced.

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on the consultation survey/response form with the information attached.

Do I need to attend a Public Examination?

Five phases of Public Hearings have already been held on the broad range of strategic and detailed policy matters addressed by the Local Plan, between December 2019 and March 2024. Further hearing sessions will not usually be held, unless the Inspector considers them essential to deal with substantial issues raised in the representations, or to ensure fairness.

Where can I view the Consultation documents?

Copies of the consultation documents are available to view:

- on the Council's website <https://www.york.gov.uk/consultations>

- by appointment at the Council's West Offices, Station Rise, York, YO1 6GA (Mon-Fri 9:00-17:00, Sat and Sun closed). Contact the Strategy Planning Team on localplan@york.gov.uk or (01904) 552255 to make arrangements.

1.3

Documents are also available to view electronically via libraries. See our [Statement of Representations Procedure](#) for further information.

How will my comments be used?

The comments received during Proposed Main Modification to policy H5 consultation will be forwarded to the Inspectors who will then issue their Report and Recommendations. Comments are not being invited on any other aspects of the submitted City of York Local Plan (May 2018).

Next Steps

The Inspectors will consider all the representations made on the proposed Main Modifications to policy H5 before finalising the examination report and the schedule of recommended Main Modifications.

Appendix B: Formal Notice of Consultation/Press Notice

Notice of Publication of the City of York Local Plan Consultation on Proposed Modifications to Policy H5 'Gypsies and Travellers'
Consultation runs for 6 weeks from Thursday 18 July ending at midnight on Friday 30 August 2024

As part of the ongoing examination into the City of York draft Local Plan, representations are invited on proposed modifications to policy H5 'Gypsies and Travellers'. Only responses referring to the proposed modifications and received within the consultation period will be considered. Responses will be processed in accordance with our privacy policy and reviewed directly by the Inspectors. Further information is available at www.york.gov.uk/LocalPlanConsultation2024, by emailing localplan@york.gov.uk, or by ringing the Strategic Planning Team on 01904 552255.

Appendix C: York Press Release

Published Friday, 19 July 2024

A six-week consultation on modifications to York's emerging Local Plan starts this week.

The modifications are proposed by the Local Plan Inspectors who have sought to ensure a number of improvements to this part of the plan, having listened to and acted on debates at the in-person hearing session in March 2024.

Part of the city's emerging Local Plan sets policy to ensure the needs of the Gypsy and Traveller community are accommodated over the plan's period. These proposed modifications will ensure that improvements at existing sites, as well as access to more and healthier accommodation, are captured in policy. These will make the draft plan legally compliant and to allow it to be adopted.

Comments received to the consultation will be considered by the Inspectors directly.

The [modifications consultation runs until Friday 30 August 2024](#) at 11.59pm.

Once adopted, York's Local Plan will:

- for the first time, create and protect a permanent green belt
- support the creation of 18,000 homes, including over 4,000 new affordable homes
- support new transport infrastructure investment
- create up to six new schools
- provide more opportunities for employment sites
- require that any off-campus purpose-built student accommodation makes a financial contribution towards affordable housing
- identify brownfield land
- provide the policies needed to reflect climate change ambition.

Councillor Michael Pavlovic, Executive Member for Housing, Planning and Safer Communities at City of York Council, said:

***“At this stage in the examination process, the consultation relates solely to the proposed main modifications. Progressing this will be another step towards the Local Plan being adopted, to set the strategic priorities for the whole city and to form the basis for planning decisions.*”**

“Just as we have listened to all feedback, we are contacting residents and groups who've already kindly commented on this part of the plan, to see and comment on our new proposals, and warmly invite others to do so.”

Documents are also available to view electronically, and printed copies of the consultation documents are available at the council's Customer Service Centre in West Offices by appointment.

Consultation documents are available by emailing the Strategic Planning Policy Team at localplan@york.gov.uk or calling 01904 552255.

For more information about **progress on the Local Plan**.

Appendix D: Consultation poster



City of York Local Plan

Proposed Main Modifications to policy H5 'Gypsies and Travellers' Consultation

The **new Local Plan** will set strategic priorities and a development framework for the whole city, forming the basis for planning decisions.

Following hearing sessions, the Local Plan Inspectors have recommended limited changes to Policy H5 'Gypsies and Travellers'.

We are now consulting on these changes, known as Main Modifications, and comments are invited from the public and interested parties.

How to take part?

Copies of the main documents are available to view:

- on the Council's website at www.york.gov.uk/consultations
- by appointment at the **Council's West Offices**, Station Rise, York (Mon-Fri 9:00-17:00, Sat and Sun closed). **Contact the Team to arrange an appointment to view** on (01904) 552255 or localplan@york.gov.uk

You can respond:

- via the online survey www.york.gov.uk/consultations
- by requesting a response form. Contact the Team at localplan@york.gov.uk or phone (01904) 552255.

All responses must be received by midnight on Friday 30th August 2024

<https://www.york.gov.uk/LocalPlanConsultation2024>

Appendix E: Consultation Survey



Local Plan Modifications

1. Survey Information

Comments made during this consultation should relate to the proposed Policy H5 Modifications only. All representations made will be taken into account by the Inspectors in examining the Plan. Comments should relate to the Plan's legal and procedural compliance and the soundness of the modifications. The tests of soundness are set out in the National Planning Policy Framework.

Please read our [guidance note](#) for more information taking part.

Survey contents:

1. Survey Introduction
2. Register details
3. Purpose of the consultation
4. Local Plan Modifications - Policy H5: Gypsies and Travellers (MM5.23)
5. Comment Form - Policy H5: Gypsies and Travellers (MM5.23)
6. Local Plan Modifications - Policy H5: Gypsies and Travellers (MM5.24)
7. Comment Form - Policy H5: Gypsies and Travellers (MM5.24)
8. Local Plan Modifications - Policy H5: Gypsies and Travellers (MM5.25)
9. Comment Form - Policy H5: Gypsies and Travellers (MM5.25)
10. Closing Page

Our survey asks for some personal information which you may choose not to give. We do not publish or share any information which can identify you.

Please read our [privacy notice](#) to find out more about how we protect your personal information. We will ask for your consent to this at the start of the survey.

You can withdraw your consent at any time by contacting localplan@york.gov.uk

* 1. Do you confirm that you have read and understood the privacy notice? You must select 'Yes' in order to take the survey.

Yes No

Local Plan Modifications

2. Register for consultation

We can only consider your responses if you have provided your details.

2. Your name:

3. Contact details:

Address

Address 2

City/Town

Post Code

Email Address

Do you wish to be notified when the City of York Local Plan is adopted by the council? If yes, we will use contact details provided above.

Yes No

Local Plan Modifications

3. 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.

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 \(July 2024\).](#)

Local Plan Modifications

4. Local Plan Modifications - Policy H5: Gypsies and Travellers (MM5.23)

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, February 2023 (Do not form part of this consultation).
- Green highlighted text – Additional main modifications, recommended February 2024
- Blue highlighted text – Additional main modifications, recommended May 2024

Safeguarding Existing Supply

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 proposals Policies Map, and are listed below:

- James Street, Layerthorpe
- Water Lane, Clifton; and,
- Outgang Lane, Osbaldwick

Meeting Future Need

In order to meet the accommodation needs of Gypsies and Travellers, provision will be made in the following ways:

a) Within Existing Local Authority Sites

In order to meet the need of Gypsies and Travellers that meet the planning definition, 10 3 additional pitches will be provided identified within the existing three Local Authority sites at:

- Water Lane, Clifton; and
- Outgang Lane, Osbaldwick

The development of further pitches at Water Lane, Clifton 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 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.

Committed 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.

The calculations for this policy will be based on the hierarchy below:

- 100 - 499 dwellings - 2 pitches should be provided
- 500 - 999 dwellings - 3 pitches should be provided
- 1000 - 1499 dwellings – 4 pitches should be provided
- 1500 - 1999 dwellings - 5 pitches should be provided
- 2000 or more dwellings - 6 pitches should be provided

Local Plan Modifications

5. Comment Form - Policy H5: Gypsies and Travellers (MM5.23)

4. Do you Support or Object the proposed modification?

Support Object

5. If you object, please state why?

The Examination Inspectors are required to consider whether the Local Plans have been properly prepared against tests set out in the Government's National Planning Policy Framework (paragraph 182). Please tick any which apply:

- Not positively prepared - i.e. strategy will not meet development needs
- Not justified - i.e. there is no evidence to justify the modification
- Not effective - i.e. it won't work

- Not consistent with national policy - i.e. doesn't comply with the law

6. Reason for **SUPPORT** or **OBJECTION**

Please give details to explain why you support or object to the wording of the Modification.

7. Additional evidence File - you can attach additional evidence to support your case, but please ensure that it is clearly referenced in the box above. Please return with this form.

Local Plan Modifications

6. Local Plan Modifications - Policy H5: Gypsies and Travellers (MM5.24)

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, February 2023 (Do not form part of this consultation).
- **Green highlighted text** – Additional main modifications, recommended February 2024
- **Blue highlighted text** – Additional main modifications, recommended May 2024

c) Planning Applications

In addition to the above allocated sites, development for Gypsy and Traveller sites will be permitted where proposals:

- 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;
- ii. ensure accessibility to public transport and services;
- iii. are suitable in terms of vehicular access and road safety including internal space for adequate parking and turning;
- 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
- v. appropriately manage flood risk.

In addition, proposals will be expected to:

- vi. provide adequate provision for storage, recreation space, amenity provision and utility services;
- vii. ensure that the size and density of pitches/plots **are in accordance with have regard to** best practice guidance;
- viii. incorporate appropriate landscape proposals to have a positive influence on the quality and amenity of the development;
- ix. ensure that residents living nearby are not unduly affected by noise, disturbance or overlooking; and

x.ensure future occupiers would not be subject to significant adverse environmental impacts.

Any permission granted for a Gypsy and Traveller development will be subject to a condition limiting occupation to Gypsies and Travellers, as appropriate.

Local Plan Modifications

7. Comment Form - Policy H5: Gypsies and Travellers (MM5.24)

4. Do you Support or Object the proposed modification?

Support Object

5. If you object, please state why?

The Examination Inspectors are required to consider whether the Local Plans have been properly prepared against tests set out in the Government's National Planning Policy Framework (paragraph 182). Please tick any which apply:

- Not positively prepared - i.e. strategy will not meet development needs
- Not justified - i.e. there is no evidence to justify the modification
- Not effective - i.e. it won't work
- Not consistent with national policy - i.e. doesn't comply with the law

6. Reason for **SUPPORT** or **OBJECTION**

Please give details to explain why you support or object to the wording of the Modification.

7. Additional evidence File - you can attach additional evidence to support your case, but please ensure that it is clearly referenced in the box above. Please return with this form.

Local Plan Modifications

8. Local Plan Modifications - Policy H5: Gypsies and Travellers (MM5.25)

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, February 2023 (Do not form part of this consultation).
- **Green highlighted text** – Additional main modifications, recommended February 2024
- **Blue highlighted text** – Additional main modifications, recommended May 2024

Explanation

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 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 a 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
Total	38

Households in York	GTAA ¹	SHMA ²	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
Total	3	44	47
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 m² to 500 m². An upper measurement of 500 m² 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 haswill 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

- Key Delivery Partners: City of York Council, Developers, Housing Charities, Gypsy, Roma, Traveller and Travelling Showpeople stakeholders
- Implementation: Planning applications and strategic site masterplans

Local Plan Modifications

9. Comment Form - Policy H5: Gypsies and Travellers (MM5.25)

4. Do you Support or Object the proposed modification?

Support Object

5. If you object, please state why?

The Examination Inspectors are required to consider whether the Local Plans have been properly prepared against tests set out in the Government's National Planning Policy Framework (paragraph 182). Please tick any which apply:

- Not positively prepared - i.e. strategy will not meet development needs
- Not justified - i.e. there is no evidence to justify the

modification

- Not effective - i.e. it won't work

- Not consistent with national policy - i.e. doesn't comply with the law

6. Reason for **SUPPORT** or **OBJECTION**

Please give details to explain why you support or object to the wording of the Modification.

7. Additional evidence File - you can attach additional evidence to support your case, but please ensure that it is clearly referenced in the box above. Please return with this form.

Local Plan Modifications

10. Closing Page

Thank you for your comment.

The comments received during Phase 5 Modifications consultation will be forwarded to the Inspectors who will then issue their Report and Recommendations.

Consultation will close on 30 August 2024 (midnight).

For further information contact:

Strategic Planning Policy Team

e: localplan@york.gov.uk

t: 01904 552255

City of York Council | Strategic Planning Policy

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

www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)

Appendix F: List of Respondents (inc MM ID ref)

MM ID	Representor
118	Historic England
160	CPRE
339	Stantec obo Barratt David Wilson Homes
378	Quod obo Langwith Development Partnership
585	Johnson Mowat Planning Ltd obo Taylor Wimpey
594	PB Planning obo ST7
616	The Coal Authority
825	Cllr Mark Warters
1050	North Yorkshire Council
1051	Private Individual
1052	Private Individual
1053	Private Individual
1055	Private Individual
1056	Private Individual
1057	Private Individual
1058	Private Individual
1059	Private Individual
1060	Private Individual
1063	Private Individual
1064	Private Individual
1065	Private Individual
1066	Private Individual
1067	Private Individual
1068	Private Individual
1069	Private Individual
1070	Private Individual
1071	Private Individual
1073	Private Individual
1074	Private Individual
1075	Private Individual
1076	Private Individual
1078	Private Individual
1079	Private Individual
1081	Private Individual
1083	Private Individual
1084	City of York Council

Appendix G: Privacy Notice

City Of York Council – Strategic Planning Policy - Privacy Notice

City of York Council (CYC) current data protection notification is registered with the Information Commissioner's Office (ICO) – reference Z5809563. We regularly review this privacy notice, and it was last updated in July 2024.

CYC is committed to ensuring that personal data is handled in accordance with the principles set out in data protection legislation and guidance from the Information Commissioner's Office (ICO).

This privacy notice tells you what to expect when we collect personal information about you. It applies to the Council's Strategic Planning Policy such as the Local Plan and the Minerals and Waste Joint Plan.

CYC is the controller for this information unless we specifically state otherwise in this privacy notice.

You can contact the council's Data Protection Officer at information.governance@york.gov.uk or 01904 554145, or write to:

Data Protection Officer
City of York Council
West Offices
Station Rise
York
YO1 6GA

This privacy notice should be read in conjunction with other relevant CYC privacy notices and/or policies and procedures.

When appropriate we will provide a 'just in time' notice to cover any additional processing activities not mentioned in this document.

- **How we collect your information**
- **What personal data we process and why**
- **Automated decision making**
- **Collecting information automatically**
- **Childrens information**

- **Lawful basis for processing your personal data**
- **How long we keep your personal data**
- **Data sharing**
- **Data processors and or third parties**
- **Transfers of personal data**
- **How we protect your information**
- **Your rights in relation to this processing**

How we collect your information

We get your information from you, your organisation, or your appointed agent or representative when you:

- take part in our consultation or surveys
- complete our online expression of interest form

What personal data we process and why

We process the following personal and special categories of personal data such as:

- Your name and personal contact details and those of your agent, if relevant
- Organisation name, address, and email
- Your opinions, thoughts, and feedback
- Details of your land ownership.

We use the information you give us to ensure the Council meets its statutory and national planning policy requirements such as:

- plan-preparation, including the Local Plan, Minerals and Waste Joint Plan and Neighbourhood Plans.
- plan delivery, including Supplementary Planning Documents, Community Infrastructure Levy, Annual Monitoring Report, Statement of Community Involvement, and guidance notes.
- plan-making inputs, including the evidence base, Sustainability Appraisal, Habitats Regulations assessment and Heritage Impact Assessment.

In the preparation of plan-making there is a requirement to engage with various consultation bodies and members of the public. The local planning authority is required under planning regulations to publish a detailed statement on representations received after each consultation stage. Individuals' names and organisation names may be published within these reports for reasons of transparency. These reports are

required to be submitted to the Secretary of State as part of the plan Examination process.

As part of the process of Local Plan preparation the Council needs to make information available for public inspection, which we do by publishing on our website and making paper copies available on request. We will only make available or publish the information we have to do to meet our legal obligations. This includes:

- Your name, or the name of the Organisation you represent.
- Your ID number (if provided)
- Your comments/representations

Where the information supplied by you or on your behalf is in relation to housing or employment sites, it will form part of databases for developable land and for the purpose of producing the Strategic Housing and Employment Land Availability Assessment and Brownfield Land Register.

We will ask for your consent to contact you about consultations or, if you have requested to be notified of the submission of a Plan for examination, the publication of the Inspectors' or Examiner's recommendations and Plan adoption. You can withdraw your consent at any time by contacting localplan@york.gov.uk

Automated decision making

We do not carry out any automated decision making in the delivery of our Strategic Planning Policy.

Collecting information automatically

Please see our cookies page for further information about the information we collect automatically when you use our website

Childrens' information

Where we provide services directly to children or young people, the information in the relevant parts of this notice applies to children and young people, as well as adults.

Lawful basis for processing your personal data

Any personal and special category data that we process about individuals is done so in accordance with Article 6 and 9 of the UK GDPR and Schedule 1 of the Data Protection Act 2018 (DPA 2018).

The legal basis for processing your personal and special categories of personal data is in accordance with one or more of the following:

Article 6(1)

- (a) Consent: the individual has given clear consent for the council to process their personal data for a specific purpose.
- (c) Legal obligation: the processing is necessary for the council to comply with the law (not including contractual obligations).
- (e) Public task: the processing is necessary for the council to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.

Article 9(2)

- (a) explicit consent
- (b) Employment, social security, and social protection (if authorised by law)
- (g) Reasons of substantial public interest (with a basis in law)

This is supported by Schedule 1, Part 2 (6) of the Data Protection Act 2018 and is underpinned by acts of legislation that dictate what actions can and should be taken by local authorities. This includes, but may not be limited to:

- The Localism Act (2011)
- The Planning and Compulsory Purchase Act (2004) (as amended)
- The National Planning Policy Framework (2018) and associated regulations-
- The Community Infrastructure Levy Regulations 2010 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- The Town and Country Planning (Brownfield Land Register) Regulations 2017.

Some of the Schedule 1 conditions for processing special category data require an Appropriate Policy Document (APD) to be in place, which sets out and explains the procedures for securing compliance with the principles in Article 5 and policies regarding the retention and erasure of such personal data. This document explains this processing and

satisfies the requirements of Schedule 1, Part 4 of the DPA 2018 and supplements this privacy notice.

[Our Appropriate Policy Document – City of York Council](#) provides further information about this processing.

How long we keep your personal data

We will only keep your information for as long as it is needed and then securely and confidentially delete or destroy it.

Data sharing

In plan-preparation and some aspects of plan delivery we are required by law to share information with the Planning Inspectorate. This includes:

- Your name
- Organisation (where relevant)
- Your ID number (if provided)
- Your contact address/telephone number
- Your email address (if provided)
- Your comments

You can find information on how the Planning Inspectorate uses your personal data, in their privacy notice:

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice/customer-privacy-notice>

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party. However, in some circumstances, such as under a court order or safeguarding and when required to do so by law for prevention of crime and detection of fraud, we are legally obliged to share information.

We will always satisfy ourselves that we have a lawful basis on which to share the information and document our decision making.

Additionally, we are required under the Public Records Act 1958 (as amended) to transfer records to the City or National Archives (TNA) for permanent preservation. Full consideration will be given to Data Protection and Freedom of Information legislation when making decisions about whether such records should be open to the public.

Data processors and or third parties

Where we have third parties providing parts or all of our services for us, we have contracts or agreements in place with them.

If we use Microsoft Teams, to contact you, to gather information from you, or if we are recording or transcribing our discussion or meeting with you, we will let you know. You can find more details about this in the [City of York Council Microsoft Office 365 \(MS365\) Teams Meeting recording and transcription privacy notice](#).

If we use SurveyMonkey for our surveys or consultation etc you can find out how they use your information at [Privacy Notice | SurveyMonkey](#)

If we use Eventbrite for arranging and organising events etc you can find out how they use your information at [Eventbrite Privacy Policy | Eventbrite Help Center](#)

If we use Delib's CitizenSpace (digital citizen engagement platform) you can find out how they use your information at [Delib | Legal - Privacy Notice](#)

If we use Granicus/Gov Delivery to send you updates, newsletters etc you can find out how they use your information at [Privacy Policy | Granicus](#)

If we use Zoom Pro or Business version of Zoom (version 5) to host some public facing meetings, where these meetings are recorded, recordings will be kept locally on our server and will not be retained by Zoom. You can find Zoom's privacy statement at [Privacy | Zoom and their certifications at Legal Compliance | Zoom](#)

Transfers of personal data

We do not routinely transfer personal data outside of the UK but when this is necessary, we ensure that we have appropriate safeguards in place and that is done in accordance with the UK data protection and privacy legislation.

How we protect your information

We are committed to keeping your information safe and secure. There are several ways we do this, such as:

- IT security safeguards such as firewalls, encryption, and anti-virus software
- on-site security safeguards to protect physical files and electronic equipment
- training for all staff and elected councillors
- policies and procedures

Your rights in relation to this processing

To find out about your rights under Data Protection law, you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this Privacy Notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk or 01904 554145, or write to the:

Data Protection Officer
City of York Council
West Offices
Station Rise
York
YO1 6GA

Appendix H: Summary of representations in Plan (modification) order

Proposed Main Modification MM 5.23 14 Sound 20 Not Sound 4 Comments					
MM ID ref	Respondent Name	Sound / Not sound	Soundness reason	Consultation summary	Alternative proposed modification
118	James Langler - Historic England	Comment		No comments.	
160	Fran Evans - CPRE	Sound		No concerns with the modifications and find it to be sound in respect of the tests set out in the NPPF.	
339	Stuart Natkus - Stantec	Not sound	Not effective	Client has concerns that the proposed modifications may not fully meet the tests of soundness and is not deliverable. Provision of Gypsy and Traveller sites within large housing sites may not address the community's requirements - no detail/guidance in the plan. The demand for sites could instead be considered an exceptional circumstance, justifying release of Green Belt land. Also note lack of on-site delivery at a number of strategic sites (ST8, ST33, ST4).	
339	Stuart Natkus - Stantec	Not sound	Not effective	In relation to the ST7 link road, there is no certainty on the delivery of the road, a lack of clarity in policy, and the approach may be unsound. The approach is contradictory to policy SS9	The requirement of a link road is not necessary to make the housing allocation sound. Clients require clarity that ST7 can be delivered

Proposed Main Modification MM 5.23					
14 Sound					
20 Not Sound					
4 Comments					
MM ID ref	Respondent Name	Sound / Not sound	Soundness reason	Consultation summary	Alternative proposed modification
				which emphasises that the development should 'minimise impacts of access from Murton Way to the south'.	independently of the requirements of policy H5.
339	Stuart Natkus - Stantec	Not sound	Not effective	Removal of H5's sequential approach to the delivery of pitches allowed flexibility to ensure that all other policy requirements could be delivered on site and limited potential social issues. A commuted sum payment proposed in lieu of on-site provision is sometimes more appropriate.	
378	Tim Waring - QUOD	Sound		LDP have asked for it to be noted as part of the examination of the MM's proposed to Policy H5 that they raise no objection to it and consider the Policy sound.	
594	PB Planning obo ST7	Not sound	Not effective	Flexibility should be built into policy to ensure that every available access option can be explored by the Council as part of their preparation of the Masterplan for the Outgang Lane site (including alternative access not yet considered).	Modification to MM5.23, criterion a) as follows: "...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

Proposed Main Modification MM 5.23

14 Sound
20 Not Sound
4 Comments

MM ID ref	Respondent Name	Sound / Not sound	Soundness reason	Consultation summary	Alternative proposed modification
					street-lighting provided. This should could 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. <u>The masterplan work will consider all potential access options available to the Council, including the ability to improve the existing access to the site.</u>
594	PB Planning obo ST7	Not sound	Not effective	Whilst we accept the principle of on-site pitch provision within site ST7, we are concerned that the sporadic provision of a handful of pitches within strategic sites could result in potential displacement of family units across large areas of the City, rendering sites undesirable and ultimately undeliverable. Lack of flexibility to enable developer contributions to be used to regenerate existing G+T sites (including by improving living conditions and increased pitch provision).	Modification to MM5.23, criterion b) as follows: "Residential development proposals on strategic sites will be required to provide <u>the specified</u> a number of pitches within the site or provide <u>unless</u> alternative land <u>can be identified (working with the Council and other 3rd parties)</u> that meets the criteria set out in part c) of this policy to accommodate the required number of pitches. Commutated sum payments to contribute to development of

Proposed Main Modification MM 5.23

14 Sound

20 Not Sound

4 Comments

MM ID ref	Respondent Name	Sound / Not sound	Soundness reason	Consultation summary	Alternative proposed modification
					<p>pitches elsewhere will only be considered where it is demonstrated that on site delivery is not achievable due to site constraints <u>or other material considerations; or</u> where there are no suitable and available alternative sites for the required number of pitches that can be secured by the developer; or where commuted sum payments would facilitate qualitative or quantitative improvements to existing local authority sites; <u>or where commuted sum payments would enable the delivery of pitch provision on alternative land identified through working with other parties (including the Council).</u></p>
594	PB Planning obo ST7	Comment		Respondent welcomes forthcoming SPD and engagement particularly on the details associated with the size/layout of pitches and wording associated with planning obligations.	

Proposed Main Modification MM 5.23					
14 Sound					
20 Not Sound					
4 Comments					
MM ID ref	Respondent Name	Sound / Not sound	Soundness reason	Consultation summary	Alternative proposed modification
616	Melanie Lindsley - The Coal Authority	Comment		No comments.	
825	Cllr Mark Warters	Not sound	Not positively prepared; Not effective	Considers modifications ineffectual, both in relation to improvements to the existing Osbaldwick site and an expanded site. Gypsy and Traveller matters remain an unsound aspect of the Plan.	
1050	Nic Harne - North Yorkshire Council	Comment		There are no cross-boundary impacts or strategic matters relating to gypsy & traveller provision which require cooperation as the Plan seeks to meet its identified need within its own boundaries.	
1052	Private Individual	Not sound	Not effective	The proposed use is incompatible with residential housing in the village of Haxby.	
1053	Private Individual	Sound			
1055	Private Individual	Not sound	Not effective; Not consistent with	The proposed use is incompatible with residential housing in the village of Haxby.	

Proposed Main Modification MM 5.23					
14 Sound					
20 Not Sound					
4 Comments					
MM ID ref	Respondent Name	Sound / Not sound	Soundness reason	Consultation summary	Alternative proposed modification
			national policy		
1056	Private Individual	Sound		Proposed new site provision meets minimum standards	
1057	Private Individual	Sound		Supports strengthening of policy 'ask'.	
1058	Private Individual	Not sound	Not justified	Opposes development of a Traveller site on Haxby Cemetery	
1059	Private Individual	Not sound	Not justified	Opposes all new development of Gypsy and Traveller sites	
1060	Private Individual	Sound			
1063	Private Individual	Not sound	Not positively prepared; Not effective	Opposes development of a Traveller site on Haxby Cemetery. The proposed use is incompatible with residential housing in the village of Haxby.	
1064	Private Individual	Sound		Supports proposed modifications, including new provision for Gypsies and Travellers	
1065	Private Individual	Not sound	Not effective		
1066	Private Individual	Not sound	Not justified	The proposed use is incompatible with residential housing in the village of Haxby.	

Proposed Main Modification MM 5.23					
14 Sound					
20 Not Sound					
4 Comments					
MM ID ref	Respondent Name	Sound / Not sound	Soundness reason	Consultation summary	Alternative proposed modification
1067	Private Individual	Sound		Supports proposed modifications, including new provision for Gypsies and Travellers	
1068	Private Individual	Not sound	Not effective	Queries how commuted sum payments from developers can be enforced.	
1069	Private Individual	Sound		Supports proposed modifications, including new provision for Gypsies and Travellers	
1070	Private Individual	Not sound	Not effective	Opposes all new provision for Gypsies and Travellers	
1071	Private Individual	Not sound	Not justified	Opposes all new provision for Gypsies and Travellers	
1073	Private Individual	Not sound	Not justified		
1074	Private Individual	Sound		Supports new provision for Gypsies and Travellers. Query re removal of site at Noddle Hill	
1075	Private Individual	Sound		Supports proposed modifications, including new provision for Gypsies and Travellers	
1076	Private Individual	Not sound	Not justified	The proposed use is incompatible with residential housing in the village of Haxby.	

Proposed Main Modification MM 5.23					
14 Sound					
20 Not Sound					
4 Comments					
MM ID ref	Respondent Name	Sound / Not sound	Soundness reason	Consultation summary	Alternative proposed modification
1078	Private Individual	Sound			
1079	Private Individual	Sound		Supports new provision for Gypsies and Travellers (good quality and energy efficient) with appropriate support services to ensure the Gypsy and Traveller communities have equal access to the good housing, health, and education to which they, like all residents, are entitled.	
1081	Private Individual	Not sound			
1083	Private Individual	Not sound	Not justified		
1084	City of York Council	Sound		Note and accept the modifications proposed, which reflect our decisions set out in the March 2024 Executive report. Request withdrawal of PMM26 (detailed green belt boundary modification at Osbaldwick Gypsy and Traveller site) and support for submitted 2018 green belt boundary in this location.	

Proposed Main Modification MM 5.24				
13 Sound				
12 Not Sound				
3 Comments				
MM ID ref	Respondent Name	Sound / Not sound	Soundness reason	Consultation summary
118	James Langler - Historic England	Comment		No comments.
160	Fran Evans - CPRE	Sound		No concerns with the modifications and find it to be sound in respect of the tests set out in the NPPF.
378	Tim Waring - QUOD	Sound		LDP have asked for it to be noted as part of the examination of the MM's proposed to Policy H5 that they raise no objection to it and consider the Policy sound.
616	Melanie Lindsley - The Coal Authority	Comment		No comments.
825	Cllr Mark Warters	Not sound	Not positively prepared; Not effective	Considers modifications ineffectual, both in relation to improvements to the existing Osbaldwick site and an expanded site. Gypsy and Traveller matters remain an unsound aspect of the Plan.
1050	Nic Harne - North Yorkshire Council	Comment		There are no cross-boundary impacts or strategic matters relating to gypsy & traveller provision which require cooperation as the Plan seeks to meet its identified need within its own boundaries.
1052	Private Individual	Not sound	Not effective	Supports developer contributions to expansion of existing Gypsy and Traveller sites. Does not support new site provision.
1053	Private Individual	Sound		
1055	Private Individual	Not sound		
1057	Private Individual	Not sound	Not justified	Objects to weakening of policy 'ask'

Proposed Main Modification MM 5.24				
13 Sound				
12 Not Sound				
3 Comments				
MM ID ref	Respondent Name	Sound / Not sound	Soundness reason	Consultation summary
1059	Private Individual	Not sound	Not justified	Opposes all new development of Gypsy and Traveller sites
1060	Private Individual	Sound		
1063	Private Individual	Not sound	Not positively prepared; Not effective	
1064	Private Individual	Sound		Supports proposed modifications, including new provision for Gypsies and Travellers
1065	Private Individual	Sound		
1066	Private Individual	Not sound	Not justified; Not effective	The need should be formatted to coincide with the recreational provision of the local community a separate provision could be seen as divisive rather than an inclusive approach
1067	Private Individual	Sound		Supports proposed modifications, including new provision for Gypsies and Travellers
1068	Private Individual	Not sound	Not justified	Objects to weakening of policy 'ask'
1069	Private Individual	Sound		Supports proposed modifications, including new provision for Gypsies and Travellers
1070	Private Individual	Not sound	Not effective	
1073	Private Individual	Not sound	Not justified	

Proposed Main Modification MM 5.24				
13 Sound				
12 Not Sound				
3 Comments				
MM ID ref	Respondent Name	Sound / Not sound	Soundness reason	Consultation summary
1074	Private Individual	Sound		
1075	Private Individual	Sound		Supports proposed modifications, including new provision for Gypsies and Travellers
1076	Private Individual	Not sound	Not justified	The proposed use is incompatible with residential housing in the village of Haxby.
1078	Private Individual	Sound		
1079	Private Individual	Sound		
1083	Private Individual	Not sound	Not justified	
1084	City of York Council	Sound		Note and accept the modifications proposed, which reflect our decisions set out in the March 2024 Executive report. Request withdrawal of PMM26 (detailed green belt boundary modification at Osbaldwick Gypsy and Traveller site) and support for submitted 2018 green belt boundary in this location.

Proposed Main Modification MM 5.25				
15 Sound				
9 Not Sound				
3 Comments				
MM ID ref	Respondent Name	Sound / Not sound	Soundness reason	Consultation summary
118	James Langler - Historic England			No comments.
160	Fran Evans - CPRE	Support		No concerns with the modifications and find it to be sound in respect of the tests set out in the NPPF.
378	Tim Waring - QUOD	Support		LDP have asked for it to be noted as part of the examination of the MM's proposed to Policy H5 that they raise no objection to it and consider the Policy sound.
616	Melanie Lindsley - The Coal Authority			No comments.
825	Cllr Mark Warters	Object	Not positively prepared; Not effective	Considers modifications ineffectual, both in relation to improvements to the existing Osbaldwick site and an expanded site. Gypsy and Traveller matters remain an unsound aspect of the Plan.
1050	Nic Harne - North Yorkshire Council			There are no cross-boundary impacts or strategic matters relating to gypsy & traveller provision which require cooperation as the Plan seeks to meet its identified need within its own boundaries.
1052	Private Individual	Object	Not justified	Supports developer contributions to expansion of existing Gypsy and Traveller sites. Does not support new site provision.
1053	Private Individual	Support		
1056	Private Individual	Support		Proposed new site provision meets minimum standards
1057	Private Individual	Support		The modifications show a simple updating and clarification of the plan

Proposed Main Modification MM 5.25				
15 Sound				
9 Not Sound				
3 Comments				
MM ID ref	Respondent Name	Sound / Not sound	Soundness reason	Consultation summary
1059	Private Individual	Object	Not justified	Opposes all new development of Gypsy and Traveller sites
1060	Private Individual	Support		
1063	Private Individual	Object	Not positively prepared; Not effective	
1064	Private Individual	Support		Supports proposed modifications, including new provision for Gypsies and Travellers
1066	Private Individual	Support		
1067	Private Individual	Support		
1068	Private Individual	Object	Not consistent with national policy	Objects to the national definition of Travellers.
1069	Private Individual	Support		Supports proposed modifications, including new provision for Gypsies and Travellers
1070	Private Individual	Object	Not justified	
1073	Private Individual	Object	Not justified	

Proposed Main Modification MM 5.25				
15 Sound				
9 Not Sound				
3 Comments				
MM ID ref	Respondent Name	Sound / Not sound	Soundness reason	Consultation summary
1074	Private Individual	Support		Supports new provision for Gypsies and Travellers. Query re removal of site at Noddle Hill
1075	Private Individual	Support		Supports the separate provision of sites for Gypsies and Travellers and Travelling Showpeople
1076	Private Individual	Object	Not justified	The proposed use is incompatible with residential housing in the village of Haxby.
1078	Private Individual	Support		
1079	Private Individual	Support		
1083	Private Individual	Object	Not justified	
1084	City of York Council	Support		Note and accept the modifications proposed, which reflect our decisions set out in the March 2024 Executive report. Request withdrawal of PMM26 (detailed green belt boundary modification at Osbaldwick Gypsy and Traveller site) and support for submitted 2018 green belt boundary in this location.

Annex I: Non-duly made representations

MM ID ref	Main Modification ref	Reason
NDM 1		Response incomplete - no contact details or response submitted.
NDM 2		Response incomplete - no contact details or response submitted.
NDM 3		Response incomplete - no contact details or response submitted.
NDM 4		Response incomplete - no contact details or response submitted.
NDM 5		Response incomplete - no contact details or response submitted.
NDM 6		Response incomplete - no contact details or response submitted.
NDM 7		Response incomplete - no contact details or response submitted.
NDM 8		Response incomplete - no contact details or response submitted.
NDM 9		Response incomplete - no contact details or response submitted.
NDM 10		Response incomplete - no contact details or response submitted.
NDM 11		Response incomplete - no contact details or response submitted.
NDM 12		Response incomplete - no contact details or response submitted.
NDM 13		Response incomplete - no contact details or response submitted.
NDM 14		Response incomplete - no contact details or response submitted.
NDM 15		Response incomplete - no contact details or response submitted.
NDM 16		Response incomplete - no contact details or response submitted.
NDM 17		Response incomplete - no contact details or response submitted.
NDM 18		Response incomplete - no contact details or response submitted.
NDM 19		Response incomplete - no contact details or response submitted.

NDM 20		Response incomplete - no contact details or response submitted.
NDM 21		Response incomplete - no contact details or response submitted.
NDM 22		Response incomplete - no contact details or response submitted.
NDM 23		Response incomplete - no contact details or response submitted.
NDM 24		Response incomplete - no contact details or response submitted.
NDM 25	MM5.23	Response incomplete - no contact details or response submitted.
NDM 26	MM5.23 MM5.24 MM5.25	<p>Response received after the close of consultation.</p> <p>Strategic sites have failed to deliver any Traveller pitches. The Council should consider Traveller sites in the Green Belt as affordable housing as per the Guildford Local Plan Plan's excpetion policy. Commuted sum payment must be used to establish a self-build register allowing Travellers in York access to allocated sites in the Green/Grey Belt.</p>
NDM 27	MM5.23 MM5.24 MM5.25	<p>Response received after the close of consultation.</p> <p>The representation raises concerns previously shared during the in public hearing session in March 2024 and in previous correspondence following CYC's GTAA (EXCYC88) and Supply of sites (EXCYC121a). It concludes that Policy H5 is not justified or effective, and so is not sound.</p> <p>Comments include:</p> <ul style="list-style-type: none"> • Traveller provision should be understood and implemented as a species of affordable housing in general housing policy under the NPPF; • Lack of ability for Policy H(b) to deliver and implementation of policy H5 in general leading to foreseeable harms for the community. The representation quotes planning decisions made by way of example; • Raises concerns regarding the Green Belt boundaries and identification of G&T sites, failing to identify reasonable alternatives; • Supports the approach taken in the Guildford Local Plan (2019) regarding rural exception sites; • Recommends reinstatement of Main Modifications consulted on in 2021 to allow for rural exception windfall sites for non PPTS Travellers sites in Policy GB2;

		<ul style="list-style-type: none">• Disputes the outcomes of the Council Gypsy and Traveller Accommodation Assessment evidence base;• Recommends use of S106 funds and the self build register to respond to demand.
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Appendix J: City of York Council's Traveller site resident engagement, August 2024.

This survey was undertaken by the Council's Gypsy and Traveller Accommodation Officer to understand more about residents views of site condition and proposed Local Plan policy. The following specific questions were asked along with an explanation of the proposed modifications to policy H5/H6

Data Requested	Clifton	Osballdwick	James Street	Important notes for consideration
Number of questionnaires completed	13	10	7	James Steet was the most difficult to engage with due to their availability
Would you object to Clifton being extended by 6 pitches?	x2 household objections (11 plots / 85% in favour and happy to extend or happy to extend if improvements to site are made)		N/A	The majority of those happy to extend sites are happy in principle providing the sites are elevated with utility builds brought up level EPC C and more security was bought to the Clifton Site.
How would you feel if Clifton was extended beyond 6 pitches?	x3 households were happy to extend further (with 77% of residents asked not happy to extend past x6 plots to the site.		N/A	The majority of residents do not want the sites extended beyond the suggested amount. Reasons for this is fear of unknown and troublesome residents (there are frictions on site regarding new neighbours and their antisocial behaviour, as well as the recent attacks on residents where trailers were set alight and a dog was stabbed in three places), as well as the fact that they feel CYC repairs are already vastly stretched (or they are being ignored) with current number of residents onsite).
Would you object to Osballdwick being extended by 4 pitches?		all households asked had no objections to the site being extended (100% in favour and happy to extend or happy to extend if improvements to site are made)		The majority of those happy to extend sites are happy in principle providing the sites are elevated with utility builds brought up level EPC C, the access to the site made safer.

How would you feel if Osbaldwick was extended beyond 6 pitches?		Only x1 household was happy to extend beyond x4 plots (90% not in favour of further expansion beyond x4 plots)		The majority of residents do not want the sites extended beyond the suggested amount. Reasons for this is that the site is a close-knit community where although they might not all be friends, they feel secure. Also, the residents feel CYC repairs are already vastly stretched (or they are being ignored) with current number of residents onsite).
Would you be opposed to a new brick housing estate being built next door to where you live?	100% of residents asked said it would not bother them.	100% of residents asked said it would not bother them.	100% of residents asked said it would not bother them.	Building new nearby housing estates is not an issue.
Would you consider living on a small site of x2 plots within a new brick building housing estate?	x2 households said that they would consider living on a small site on a new housing estate (85% of residents asked objecting to the idea)	100% of residents said they would not consider living on a small site within a new housing estate	100% of residents said they would not consider living on a small site within a new housing estate	93% of residents asked would not consider living on a small site of x2 plots within a new brick building housing estate
would you consider right to buy?	6 households asked said they would consider buying their slab if there was an option under a right to buy. (54% not wanting to consider that option.	3 households asked said they would consider buying their slab if there was an option under a right to buy. (70% not wanting to consider that option.	1 household asked said they would consider buying their slab if there was an option under a right to buy. (86% not wanting to consider that option.	Although residents indicated that they would consider "right to buy" many did indicate that they would be in a position financially to do so. Some did express that this should be an option to them as they pay council tax like "settlers" who live in brick houses.

Would you consider buying and developing land?	4 household asked said they would consider buying and developing land to live on. (69% not wanting to consider that option.	1 household asked said they would consider buying and developing land to live on. (90% not wanting to consider that option.	3 household asked said they would consider buying and developing land to live on. (57% not wanting to consider that option.	Overall from all the households that have been asked so far 73% of residents would not consider buying land for residential development themselves.
would you consider living in a brick house?	5 households would consider living in a brick house (62% not wanted to consider this option)	2 households would consider living in a brick house (80% not wanted to consider this option)	0 households would consider living in a brick house (100% not wanted to consider this option)	The view from those who would consider living in brick houses is that it is much cheaper to do so. Residents are convinced they pay higher rates of fuel (which has been disproved). These residents have been told that due to rent arrears they would not be considered to move into a brick house. Others have been told due to the large size of their families this would not be possible

Additional Notes: Green highlighted fields are questions requested by YTT.

Appendix K: City of York Council Letter to York Travellers Trust



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

Date: 13 August 2024

York Travellers Trust
C/O Abbie North and Caroline Hunter

By email

Dear York Travellers Trust

Thank you for your letter dated 24 July 2024 addressed to Councillor Claire Douglas, which I have been asked to respond on her behalf, regarding Policy H5 and the provision for the Gypsy and Traveller community in our new Local Plan. This letter summarises the Council's position, consistently with what was said at the Phase 5 examination hearing in March 2024, and which will inform the Council's own response to the Local Plan Main Modifications Consultation regarding Policy H5, which ends on 30 August 2024.

We have sought to directly answer questions by letter on 24 July and address correspondence sent to Officers via email from Abbie North.

1. What is your understanding of the *Kingston* Case on the Guildford policy, and the question about PPTS and non-PPTS need?

Before considering the *Kingston* case and the Guildford Local Plan specifically, it is important to record the following overarching matters:

- (1) The settled position under national policy is that a gypsy and traveller site is inappropriate development in the Green Belt. This is confirmed expressly by Policy E of PPTS in respect of sites for

gypsies and travellers falling within the definition in Annex 1 to the PPTS. See **Royal Borough of Kingston Upon Thames v Secretary of State** [2024] JPL 318 at [36]: sites for gypsies and travellers falling within the definition in Annex 1 to the PPTS are inappropriate development in the Green Belt irrespective of the provisions of the NPPF. However, this characterisation also applies to sites for gypsies and travellers falling outside of the definition in Annex 1 of the PPTS (as well as any other members of the community who wish to site caravans or mobile homes for residential purposes) because the siting of a caravan for residential purposes is a material change in the use of land (i.e. development, applying s. 55 of the Town and Country Planning Act 1990) which does not fall within any of the exceptions in paras. 89 and 90 of the NPPF - and thus is inappropriate development in the Green Belt: see **R. (Timmins) v Gelding BC** [2015] PTSR 837 per Richards LJ at [30] – [31] and **Royal Borough of Kingston upon Thames v Secretary of State**, above, at [40].

- (2) For essentially the same reasons, the exception in the penultimate bullet point of para. 89 of the NPPF concerning affordable housing for local community needs does not change the analysis. Para. 89 is concerned only with the construction of new buildings: see the opening words to that paragraph ‘*the construction of new buildings*’ and **Timmins** at [30].
- (3) It is settled that the siting of caravans for residential purposes (whether for occupation by gypsies and travellers or by other members of the community) is a use of land, not the construction of buildings: see **Measor v Secretary of State** [1999] J.P.L. 182 where the Deputy Judge rejected the contention that a mobile caravan was a building having regard to factors of permanence and attachment. This was applied by Forbes J in **Massingham v Secretary of State** [2002] EWHC 1578 (Admin).
- (4) It follows that the siting of caravans by gypsies and travellers or any other person is not within the penultimate bullet point of para. 89, although this may be subject to whether the caravans have ceased to be mobile and have become permanent fixtures applying the approach set out e.g. in **Skerritts of Nottingham Ltd v Secretary of State (No.2)** [2000] JPL 1025.

The Guildford Local Plan

The York Travellers Trust rely on the approach in policy H3 of the Guildford Local Plan [EXCYC133]. That policy allows for the provision of small-scale affordable housing developments in the Green Belt, “*which can include pitches for Gypsies and Travellers not meeting the Planning Policy for Traveller Sites definition of a gypsy or traveller*” where certain provisions are met, is supported.

This policy is inconsistent with national policy because that policy proceeds on the basis that sites for gypsies and travellers outside the definition in Annex 1 to the PPTS are not inappropriate development. This is erroneous, as is explained above. Sites for gypsies and travellers outside the definition in Annex 1 to the PPTS (as well as any other members of the community who wish to site caravans or mobile homes for residential purposes) are inappropriate development. The emerging local plan would be unsound if it included a policy which proceeded on the basis that sites for gypsies and travellers outside the definition in Annex 1 to the PPTS were not inappropriate development

The **Kingston** case

The **Kingston** case is consistent with the analysis above.

In the **Kingston** case the Inspector erred in law by concluding that a site for gypsies and travellers (within the definition in Annex 1 to the PPTS) was not inappropriate development in the Green Belt because it fell within the exception in paragraph 150(e) of the NPPF (2021).

In concluding that the Inspector had so erred in law, Lieven J held that residential uses, including a site for gypsies and travellers, do not fall within the exception in paragraph 150(e) of the NPPF (2021): see paragraphs 36 – 37 of the judgment.

The reasons given by Lieven J in the **Kingston** case demonstrate that the Guildford policy was wrongly considered to be sound and should not have been adopted.

This matter was the subject of our oral submissions at the hearing into Phase 5 matters, in March 2024 and what is set out above is consistent with those submissions.

2. What are the Council's intentions regarding the future s.106 money, i.e. are you expecting it to be spent on the 10 pitches coming through H5a at Clifton and Osbaldwick? In our view this is not legally allowable.

The Executive report (March 2024) *Delivering additional Gypsy and Traveller Accommodation and improving existing facilities*¹ makes clear the Council’s intentions regarding funding and delivery of new pitches and sites improvements at existing Council owned sites.

In this, a distinction is made between the works to be undertaken and how this will be funded.

Table 2 of the Executive report shows that it is the Council’s intention to only use S106 monies for non-definition traveller pitches as follows:

Table 2: new Gypsy and Traveller pitch provision to be delivered by the council including estimated costs, funding type and timescales

Works	Estimated cost	When	Funding type
10 'definition' additional pitches	£1.5m	Complete March 2027	Borrowing and grant funding
13 'non-definition' additional pitches	£1.95m	12 pitches by March 2027 at a cost of £1.8m, 1 pitch in following 5 years at a cost of £150k	Borrowing until S106 payments are received

The accompanying explanation for this is set out in paras 24 and 26 of the report, which state (bold is our emphasis):

24. The latest evidence of gypsy and traveller pitch need states that 13 pitches are required to meet non-definition and undetermined need by March 2027. The Council has secured or is in the process of securing S106 contributions to deliver 13 Gypsy and Traveller pitches. In November 2022, the Planning Inspectors examining the Local Plan requested that the Council provide detail about where it expects these funded pitches to be located in order that they could be satisfied that there is a

¹ <https://democracy.york.gov.uk/mglIssueHistoryHome.aspx?lId=71943>

deliverable strategy for meeting the 5-year need. In response, it was confirmed that there is physical capacity for the site at Osbaldwick to accommodate these additional pitches, recognising that no other site could be identified at that time. Importantly however, this does not preclude the Council from delivering these pitches on alternative sites that may later be identified and found to be appropriate within the policy framework of the Local Plan.

26. Executive are asked to note the intention to forward fund investment in the creation of additional pitches to meet the identified need described above. The table below summarises a potential investment scenario related to the provision of additional pitches. However, it should be noted that these are high level cost estimates and approval of a detailed business case will be sought once plans and costs are further developed.

Executive endorsed this approach, which was subsequently submitted to the Inspectors for their consideration as part of the Council's Hearing Statement to Phase 5 matters, heard in March 2024 [EX/CYC/135² and EX/CYC/135a³].

3. Are our S106 agreements requiring delivery of Gypsy and Traveller provision/ commuted sums legally enforceable?

Yes. Where the delivery of Gypsy and Traveller provision and/or commuted sums are secured as a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 then they are legally enforceable. The Council can enforce such a planning obligation by a claim for an injunction under section 106(5) of the Town and Country Planning Act 1990.

4. What is happening with the current ST4 application? We have already objected to the application, because the Applicant has not:

- a) demonstrated that the provision of pitches on-site is not viable; and**
- b) demonstrated that no alternative land is available to the developer for their provision.**

The application for Strategic Site ST4: Land at Hull Road' was considered by the Council's Planning Committee A on Thursday 1 August, application 15/00166/OUTM. As set out in the Officer Report to committee, the recommendation was for approval, subject to agreement

² <https://www.york.gov.uk/downloads/file/9567/ex-cyc-135-executive-report-14-march-2024>

³

of a S106 agreement (including £300,000 for off-site provision of two pitches for Gypsies and Travellers) and referral to the Secretary of State. Following consideration and debate, the application was approved in accordance with this recommendation. This decision will be published via the Council's Planning Committee A meeting pages:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=1029&MId=14524&Ver=4> .

As part of the meeting, officers updated members on matters raised since publication, including a supplementary policy response from the Council's Strategic Planning Policy team regarding Policy H5 (annexed to this letter), information submitted by the applicant regarding a site search undertaken and objection comments received from York Travellers Trust regarding the lack of policy compliance with policy H5.

In this supplementary note, it is acknowledged that the approach taken by the applicant was not wholly consistent with Policy H5 in the emerging Local Plan, as proposed to be modified (in 2023 and/or 2024) which concurs with the view of York Travellers Trust.

However, also relevant to this was timing of the submission and preparation of the application over the evolving policy landscape and the weight that can be afforded to the policy in accordance with para 49 of the National Planning Policy Framework. It was confirmed that at this time, the weight to be given to this policy was 'limited' given that there continue to be objections to the policy approach and are currently out to consultation on proposed modifications proposed by the Inspectors to make it 'sound'. Therefore, the policy position concludes that:

The commuted sum offered in lieu of on-site delivery is, however, acceptable in this context of limited policy weight. It is consistent with the approach taken in decisions on other strategic sites where developers have progressed applications ahead of Local Plan adoption.

During discussion, it was acknowledged that the trigger for enabling significant weight to be applied to policy will be the adoption of the Local Plan.

5. Rolling supply of Gypsy and Traveller provision

The Council's submitted evidence to the Local Plan Examination has sought to demonstrate the delivery of sites at the request of the Inspectors. Our paper EX/CYC/121a (December 2022) profiles the Council's understanding of delivery of pitches across the portfolio of

Strategic Sites and remains relevant to the delivery of policy requirements.

Additionally, in the Council's Executive report (March 2024) *Delivering additional Gypsy and Traveller Accommodation and improving existing facilities* a commitment was made to undertake a further site search to continue the Council's commitment for accommodation for the gypsy and traveller community.

VI. To establish a workstream to identify and assess alternative sites to support Gypsy and Traveller Accommodation using a benchmarking approach of the proposed Osbaldwick site expansion and the associated health and social outcomes using a suite of site selection criteria (to be agreed by Executive) against any alternative windfall sites across the identified developable area in the Local Plan that may emerge at a later date and reporting of that exercise to Executive prior to the commencement of the expansion of the Osbaldwick site.

Reason: To ensure that the Council's commitment to meeting pitch requirements as set out in the Local Plan is appropriately met. The Local plan identifies that up to 1800 windfall sites for housing are likely to become available during the plan period. Therefore **there may be alternative delivery options that may offer long-term advantages to meeting growing Gypsy and Traveller needs. Alternative sites have not been identified during the previous Local Plan site search for Gypsy and Traveller accommodation, but this does not mean they will not exist in the near future.**

6. Gypsy and Traveller provision as Affordable Housing

In her email of 12 July, Abbie North makes reference to the *Wenman* case and how gypsy and traveller pitches constitute a 'species of housing'. Following, there is presented a rationale as to why it follows that it could be construed as affordable housing.

The Council acknowledges that pitches can be delivered as affordable, subject to them being run by a registered social provider and meeting the affordable housing definition in the NPPF.

Any proposal of that nature would still be assessed as a new provision of a pitch, in accordance with PPTS. As explained above, pitches relate to a change in the use of land and do not constitute the '*construction of buildings*'. Consequently, locations within the Green Belt are still inappropriate as set above, regardless of whether they comply with the affordable definition.

7. Conclusion

We trust the information we have provided is helpful and informative for York Travellers Trust response to the current Local Plan Main Modifications Consultation.

As we progress with the Council's programme of delivery and development of supplementary guidance to support the Local Plan policy approach, we are keen to work with you constructively to inform the process. Officers will be in touch directly to discuss how this can be progressed and we look forward to working with you.

Additionally, and you may be already aware, the government are currently consulting on *Proposed reforms to the National Planning Policy Framework and other changes to the planning system*⁴. As part of this, they ask specific questions in relation to traveller provision (Questions 32 and 33). Consultation closes on 24 September 2024. The Council is preparing a response to the consultation for which we will draw on our experience in providing for traveller accommodation needs.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ian Floyd', is centered on the page. The signature is fluid and cursive.

Ian Floyd
Chief Operating Officer

⁴ <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>

MEMORANDUM

From: Strategic Planning Policy Team
To: Development Services
Ext: 01905 552255
Date: 1 August 2024
Our Ref: FP9/2024
Your Ref: 15/00166/FULM - Hull Road

In response to the Local Plan inspectors in December 2022, the Council confirmed [in EX/CYC/121a]:

- that further modifications to part b of Policy H5 (dealing with provision on strategic sites) would better secure on-site provision and ensure financial contributions could only be agreed in very limited circumstances.
- That it was negotiating on-site provision as part of the determination of the application on ST4, but included an equivalent financial contribution in its forecasting to calculate the likely maximum number of pitches that would need to be delivered via these payments. Pitches funded through s106 were indicated to be located on the Council's Osbaldwick site.

At that time, outstanding matters were being resolved and it was expected that the application on ST4 would progress to committee early in 2023 – ahead of completion of consultation on the latest modifications and Local Plan adoption. Officers therefore anticipated a financial contribution being secured on ST4 in recognition that, should the application progress as expected, the weight of Policy H5 that would apply at the point of determination would be “limited”. Indeed, these calculations were carried forward into the report presented to Members at the March Executive, in which the forward funding of s106 receipts was agreed as part of an overall £5.25m investment.

Whilst progress with the application has been protracted, it has now overtaken the process of Local Plan adoption and is presented to members at a time when consultation on main modifications to Policy H5 is ongoing.

Notwithstanding the limited weight that can be applied to Policy H5, Strategic Planning Policy considers that this application is not wholly compliant with its requirement to provide two pitches on-site (or on an alternative site), unless satisfactory justified:

- There is no justification for not designing the pitches into the scheme.
- The site search undertaken in September 2023 focussed on specific land with existing gypsy and traveller use. It did not consider the appropriateness of any other available land that may have been suitable.

The commuted sum offered in lieu of on-site delivery is, however, acceptable in this context of limited policy weight. It is consistent with the approach taken in decisions on other strategic sites where developers have progressed applications ahead of Local Plan adoption.