

ANNEX A

Local Plan Working Group – Monday 16 January 2023 5.30pm

Transcription of relevant Gypsy and Traveller discussion

Agenda, Minutes and Webcast available via:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=128&MIId=13874>

Item 12: Public Participation

(5.33pm) - From 10.40 to 15.36 minutes into recording)

Public speaker: Abbie North:

“Thanks for your time this evening. My name is Abbie North. I’m a Trustee of York Travellers Trust and a professional planning agent, working with gypsies and travellers across the country. I’m also a traveller myself so have some vested interest in this Policy Plan. York Travellers Trust has been working with CYC for years to try to come to some sort of sustainable solution to the accommodation the crisis that faces gypsies & travellers in the City at this time. In my own personal experience and professional experience, York is different from Councils across the country as all we see in York are Council run sites. What there is a desperate need for in York is private family sites where people, like everywhere else in the country, can have their own private home and bring up their families to access the same as everybody else – that is education, welfare, all of the rest of it, good decent job prospects. We don’t have that in York. What we do have is the policy we now have before us. I come to you with some desperation at this stage because the policy I’m looking at now, we are setting ourselves up to fail – not only the travelling communities that its going to affect but the Council themselves. This may not be a problem for the LPWG anymore after this – it will be a problem for your community safety officers, it will be a problem for your housing team. The idea that you’re going to create extra space for travellers by adding pitches to one of the most deprived traveller sites we have ever seen in the Country, at Osbaldwick. It is absolutely beggars belief. We don’t understand what you are thinking to take an unmanageable and unworkable site and condemn children, who haven’t been born yet, to decades more of social exclusion and deprivation. There is a

solution to these problems. Within YTT, we have a professor of housing law, I am a professional traveller / planning agent, we have a romany gypsy lady who is our CEO, we have lived experience, professional experience. We can help you to solve these problems. But the way we are looking at it now, it just isn't going to work. S106 Agreements that you are relying on, to provide for allocations for gypsies who don't meet the planning definition, and I just don't have the time to tell you how you got it so wrong at this stage. The S106 are unenforceable. The only evidence we have got of them trying to work is from this appeal decision I have in front of me, where it is confirmed such provision on those sites is not necessary to make the development acceptable. It is not directly related to the development and does not fairly & reasonably relate in scale and kind to the development That means it is legally unenforceable. So what are we going to say to developers? We say that we are going to stop you building 999 desperately needed family homes in York, because you don't want to provide us with 3 traveller pitches. Is there a moral justification for that? Certainly not, of course not. We can't stop you building houses for that reason. What we need to do is provide a criteria based policy for traveller sites that works. That we can use to provide private family sites so that people can get on with their lives in a culturally appropriate, and safe, secure home. Ok, the Council came forward to us in 2022 I think, I can tell you later, with a proposal to include traveller sites within the exceptions to the Green Belt policy, affordable housing, that's GB4. Because of the limitations of the green belt in this city, the only way we are going to get.... What we need here, is to make sure that where we have sites coming forward, we have an exception to say that in suitable circumstances, we can make an exception and build in the green belt. Now the Council has acknowledged, in Osbaldwick, you have amended the boundary of the green belt to make a very bad situation in Osbaldwick worse. If it is appropriate to take land out of the green belt for travellers sites, why there, why there, why there? Why in a place where all we are condemning people to further misery and the Council themselves to a very hard situation in managing this site for decades to come. Lets look at.... If the Green Belt policy GB4 – let the planning inspectorate make that decision. Put the policy back in. Come and talk to us - we are here with all our expertise, to solve the problem. But at the moment, I'm desperate to tell you that we are setting everybody up to fail here. We need to do something about this, it cannot go forward as it is. Thanks."

Item 13: City of York Council Local Plan

(5:54pm) (From 31.50 minutes into recording)

Cllr Pavlovic: *“Would Neil be able to speak on G&T, he covered everybody’s other than G&T. I do ask awkward questions by the way”*

Neil Ferris: *“So on G&T, in terms of the provision of private sites, the concept within the Local Plan is that we will be providing private sites through strategic sites, so those sites will be provided by developers for the gypsy and traveller community, with the concept that these new developments should be fully inclusive developments, so if you look at the Langwith development, 3500 homes to the south east of the City. Cliftongate, a new village to the north of the City, 1300 homes. Those communities should incorporate the provision for a truly multicultural community and that would include gypsy & traveller communities. And doing this on the strategic sites allows those developers to design from the start, those villages in such a way that the various lifestyles can be accommodated and not effectively cause community friction because we are designing these facilities right from scratch. In respect of the site specifically down at Osbaldwick which was referred to, the amendments that you see within the report reflect, and similarly to schools, a tightening of the Green Belt that occurred when we undertook a review of the Green Belt methodology and now, once again, a loosening of the Green Belt. We haven’t gone back to the 2018 red line, we have effectively only taken half the adjacent field in respect of the Osbaldwick site because between that half of the Osbaldwick site and Cliftongate site, we have identified sufficient capacity for additional council plots within the Plan, but again, in reflecting the overall need of 44 sites, the vast majority of those sites will be provided by the private sector dispersed across the City, as was the desire of the public speaker.”*

Cllr Pavlovic: *“Sorry, just on that though, and I’m just trying to find the reference that I marked, doesn’t it say that we would be accepting offsite contributions for private sites, which will then put it into the Council’s hands which will mean that it would just add to Osbaldwick, and as we have already heard, the issue of social exclusion and deprivation that the speaker referenced - surely just continually expanding Osbaldwick is not really what she is asking for.*

Neil Ferris: *“I’ll let Laura address the first part of the question and I’ll address the Osbaldwick site.”*

Laura Bartle: *“Certainly yes – so in terms of how we’ve looked at the provision and delivery of financial contributions, we’ve done a couple of things. So, we’ve assessed through looking at the trajectory of what could come forward, where we know that sites have already made a commitment to a financial contribution, we’ve had to make an assumption that going forward, that’s how that provision will be provided and for all other sites, the strategic sites, we’ve made an assumption that they will be delivered, as Neil said, onsite. To support that approach even more, we have proposed further modifications to policies to specifically tighten the approach that needs to be taken when considering the provision of pitches on strategic sites. So we’ve made much clearer the way in which an offsite financial contribution would only be considered in very, very exceptional circumstances. And we’ve made it very clear exactly what the developer would have to do to demonstrate that it would not be achievable on site through consideration of the site specific constraints that exist and any other matters – effectively saying that we don’t expect developers to be able to demonstrate that they can’t achieve it on site, because again as Neil said, we are making sure that these come forward right at the start of the design and masterplanning approach to these strategic sites, so from our position, we don’t see there being any fundamental issue that arises that would prevent that happening. So therefore, the provision on the Osbaldwick site which we have earmarked, will really only be for those sites that have benefitted from planning permission and those financial contributions agreed, or a commitment made to those, one way or another. So the expansion of that site will be limited and certainly it isn’t anticipated to accommodate all of the provision that is necessary across the plan period.”*

Neil Ferris: *“Thank you Laura. So I think to articulate that to members sitting on the Committee, the bar is incredibly high and in terms of the tools we have given you through the policy in order for a developer to come forward and suggest they aren’t going to make provision on site going forward, the lack of such a strong policy in terms of the strategic sites that have got planning permission to date has allowed for that leeway in terms of the offsite provision. In terms of the Osbaldwick site, I recognise the issues that were brought forward in terms of the management and I think that’s an issue of management, and as rightly pointed out a matter for the housing officers and the housing functioning of the authority and in that regard the proposals down*

at the Osbaldwick site and the additional capital which will be invested within the site through those offsite contributions and the Council's commitment to that site, we envisage that actually it'll give us greater capacity to make sure we'll manage that site more effectively than has been historically done and we would suggest that the delivery of this plan in terms of the City's overall capacity to manage and work with the gypsy & traveller community will be increased because we reflect that relationship and management function needs improving – that's not a planning issue, that's a managerial issue."

Cllr Pavlovic: *"I apologise for labouring the point, but I do feel that it was a heartfelt presentation and I do want to make sure that it gets properly addressed. So you are saying that the bar will be incredibly high, so in a 900, 150-200 house development will the LPA then be recommending refusal to the planning committee if the developer says we aren't going to provide 2 pitches. And I think that's the fundamental question that needs to be asked because if they are not and they say well yeah, its only 2 pitches, we'll take the offsite contribution and still recommend approval, that does tie the hands to some extent of the Planning Committee."*

Neil Ferris: *"My expectation of the policy as drafted is that the planning officers would have an extremely hard time making a recommendation to approve without a thorough analysis by the developer that they cannot develop onsite. This is a matter that I personally think is really important for the City of York to have mixed communities – and part of developing mixed communities, we are talking you know, we have a small town of 3500 residents in the Langwith proposal and a brand new village of 1500 at Cliftongate – for those communities to exclude a full cross section of society I think is an abdication of our responsibilities, so therefore (muffled background discussion)..... absolutely, the policy as written, we are informed by our lawyers who assisted with drafting it is as high a bar as we can make in the fact that they really, really have got to demonstrate that they cannot do it. Now when looking at those sites, we are talking about Green Belt sites where there is nothing there at the moment. They have got to build everything, so its going to be really difficult to demonstrate And I've already had these conversations with both the main developers, we do not see at this stage that there is any rationale where you cannot design your new community that doesn't accommodate a fully integrated proposal. Not saying they like the conversation, but that's what happened!"*

Cllr Looker: *“Sadly I won’t be on the Planning Committee to see how this policy works, but my cynicism is high.”*