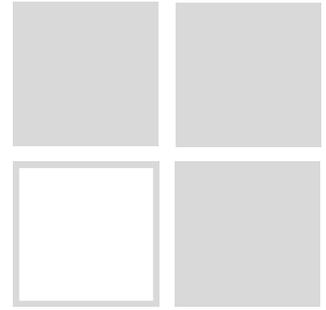


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Inspector Simon Berkeley BA MA MRTPI  
Inspector Paul Griffiths BSc (Hons) BArch IHBC  
c/o Carole Crookes  
Independent Programme Officer Solutions

**City of York Local Gypsy & Traveller Issues**

Dear Inspectors Berkely and Griffiths,

I write on behalf of York Travellers Trust (YTT).

I refer to the Programme Officer's email to the City of York Council of 21 September, which referred to the information provided about the Osbaldwick site in response to YTT's FoI request. I refer to Neil Ferris' response of 27 October to the Programme Officer's email on behalf of the City Council.

Firstly, I apologise for the lateness of this reply.

Through Ms Crookes' email you asked three questions:

- How had the situation come about that Council Officers with oversight of the provision for Gypsies and Travellers have outlined serious doubts about the proposed expansion of the Osbaldwick site, and that Officers of the Council were well aware of the likely problems when the proposed expansion was put forward?
- Does the City Council retain its view that Osbaldwick is suitable for expansion? And

- What are the Council's views on the implications of a conclusion by the Inspectors that the draft Local Plan with proposed major modifications failed to achieve soundness?

This letter should be read with the attached Annexe, which provides more detailed referencing of the points made.

In regard to the first matter, the Council has attempted to suggest that the doubts were expressed after identification of Osbaldwick through the proposed major modifications, that its identification had been subject to scrutiny through the Local Plan process, and that the people expressing doubts were of limited seniority and not entitled to make judgements on planning matters.

In the Annexe we outline why that analysis does not stand up to scrutiny. We evidence that the success of the proposal rests on effective management of the site, and that the claims made by the Council to achieve this cannot be substantiated.

In regard to the second matter, the Council has attempted to side-step the issue of whether it retained its view that Osbaldwick was suitable for expansion by claiming it has demonstrated the suitability and deliverability of the site.

As evidenced in the documents on the Local Plan website, and in conversations between YTT and Leaders of the Council, there is no dispute that conditions on the site at Osbaldwick are unacceptable, and reflect decades of discrimination and neglect experienced by the Gypsy and Traveller Community in York. Taking account of the surroundings of the site, expansion of Osbaldwick risks further perpetuating that discrimination and neglect, and cannot be a sustainable solution. We would invite you to arrange a site visit to Osbaldwick before any decision to allow the site to be expanded.

The Inspectors' question of 16 November 2022:

*'H5 b) which refers to 30 pitches to be provided as part of the strategic allocations gives no indication of when those pitches might come forward, and (in detail terms) where. In short, it would be helpful if the Council could provide a trajectory for the*

*provision of the 40 additional pitches, identifying the number of pitches each site will provide, and when that provision is expected to take place. We need to see a satisfactory rolling supply of pitches over the Plan period'.*

exposed the weakness in Policy H5. It demonstrated that the Plan failed to make allocations to meet the assessed need for the first 5 years, or provide a policy capable of bringing forward sites in the future.

The Council's efforts to justify a position that is discriminatory and unacceptable are necessitated by this failure of policy. Having declined the opportunity to review the GTANA following the Lisa Smith judgment, the attempt to obscure the scale of the problem by reliance on the pre Lisa Smith PPfTS definition only reinforces this point.

You have our evidence of why Osbaldwick is unsuitable. That view is shared by those officers who would be responsible for implementing and managing the expanded site. This means the proposals for the site are not Justified – an appropriate strategy, taking into account the reasonable alternatives, based on proportionate evidence. They are not Consistent with national policy – it would not represent sustainable development for the proposed residents. Non-allocation of Osbaldwick would also mean the Plan would not be Positively Prepared – It would not meet the area's objectively assessed needs.

In regard to the third matter, the Council has not answered the question. It has merely suggested, if you consider that the approach to Gypsies and Travellers, incorporating the proposed modification, fails to achieve soundness, that the Plan could proceed to adoption and that the Council would welcome the opportunity to explain its position.

In the light of discussions with the Council, we understand that Mr Ferris has in mind the situation with the Hambleton Local Plan, where the Inspector allowed the Plan to be adopted, despite a lack of allocations for Gypsies and Travellers, on the basis of carrying out an urgent review of the Plan within a specified timescale.

The situation in York is not analogous. The large majority of Hambleton is non-Green Belt and there are a number of authorised Traveller sites which, it was common ground, could be expanded to provide the needed accommodation. In York there are no sites apart from the local authority sites, and the Local Plan is defining the inner Green Belt boundary, which '*should not need to be altered at the end of the plan period*', NPPF para 143e), let alone through an early plan review.

As a result of the manifest weaknesses in the GTANA, the failure to identify allocations, the integration of Policy H5 with the policies for major strategic developments, and the inability to review the newly defined Green Belt boundary, the policy for Traveller Sites cannot be reviewed separately from the remainder of the Local Plan as a whole.

Policy H5 is not positively prepared, or justified. It is not legally compliant. Consequently, the Plan as a whole is not sound and cannot lawfully be adopted.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M Hargreaves', written over a light blue rectangular background.

Michael Hargreaves BA BTP MRTPI