



**EXAMINATION OF THE CITY OF YORK LOCAL PLAN  
2017-2033**

**PHASE 5 HEARINGS**

**Matter 1: Provision for Gypsies and Travellers  
[Draft Policies H5 (and H6) as proposed to be modified]**

**CITY OF YORK COUNCIL STATEMENT**

---

## 1.0 Introduction

- 1.0.1 The Council's response to the Inspectors' questions [\[EX/INS/48\]](#) is set out below and must be read in conjunction with the information presented in [EX/CYC/127](#) (our "October submission") and in particular our note at [EX/CYC127gj](#).
- 1.0.2 Following the close of phase 4 hearing sessions, the Council has progressed further work with the Gypsy and Traveller community through an established working group of officers and partners that brings together stakeholders from Housing, Public Health, Communities, Education, Community Safety, Childrens' Services, North Yorkshire Police, Travellers Trust, and the NHS. Additionally, since our response in October 2023, the recruitment for a Gypsy and Traveller Accommodation Officer has progressed and a Gypsy & Traveller Health Needs Assessment (A Rapid Assessment of the Health Needs of York's Gypsy and Traveller Population) has been prepared (final draft copy of the report included at Appendix 4). A number of proactive workstreams are now underway and are being brought together in a report to the Council's Executive for decision on 14 March 2024. All of this work supports the policy provision in the Emerging Local Plan.
- 1.0.3 A copy of a report to the Council's Executive on these issues will be submitted to the Examination as soon as it is publicly available and will also be made available on the Council's website. The report sets out the Council's proposals to proactively invest in existing and new pitches to ensure that investment is made to support the City's gypsy and traveller community and will help to bring about a range of social and physical improvements, including provision of new pitches in accordance with our obligations in the Local Plan policies.
- 1.0.4 In summary, the report to the Council's executive will ensure that ongoing investment is made to support the City's Gypsy and Traveller community and to bring about a range of social and physical improvements to existing sites, including provision of new pitches.
- 1.0.5 Notably, the report to the Council's executive will seek approval for:
- I. An approach to forward fund the delivery of additional Gypsy and Traveller pitches to meet the need identified in the Local Plan alongside improving existing provision. The Executive will be formally acknowledging an investment estimated to be £5.25m will be needed and instructing officers to produce a detailed business case which will be brought before Executive for consideration later in the year.
  - II. In addition to the physical investments in pitches the Executive will be delegating to the Executive Member for Finance, Performance, Major Projects, Human Rights and Equalities to progress a wide range of interventions to be developed

---

with the gypsy and traveller community in order to address the issues highlighted in a recently completed Gypsy and Traveller Health Needs Assessment.

- III. The Executive will also instruct officers to ensure that, once agreed, the delivery of both the physical and social interventions are subject to the oversight of the Council's Human Rights and Equalities Board. An annual report is to be brought before to a decision session of the Executive Member for Housing, Planning and Safer Communities and Executive Member for Finance, Performance, Major Projects, Human Rights and Equalities.
- IV. To benchmark the proposed Osbaldwick site expansion and the associated health and social outcomes using a suite of site selection criteria (to be agreed) 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.

1.0.6 These proposed steps are in addition to the work that is underway, including:

- I. The recruitment process is underway for a Gypsy and Traveller Accommodation Officer. This role will lead on the development of investment plans into both the development of existing pitches and the improvement of existing accommodation and facilities.
- II. A stock condition survey has been commissioned to be completed this spring and the outcome of which will inform investment plans alongside resident engagement.

1.0.7 In addition, and subject to Executive approval post plan adoption, it is proposed to develop a Supplementary Planning Document which sets out the design principles for pitch delivery to support Local Plan policies that require additional pitches on both council sites and Strategic Housing Sites.

### **National Policy context**

1.0.8 As set out in the October submission, the Council recognises that, for plan making purposes, Planning Policy for Traveller Sites ("PPTS") requires the Council (at paragraph 4) to:

- I. Make its own assessment of the need for Traveller accommodation for the purposes of planning in our City.
- II. Develop fair and effective strategies to meet the identified need through the identification of land for sites.

- 
- III. Protect the Green Belt from inappropriate development, recognising that Traveller sites are inappropriate development.
  - IV. Promote more private traveller site provision and reduce unauthorised development.
  - V. Identify deliverable sites to provide five years' worth of accommodation against a locally set target.
  - VI. Identify developable sites or broad locations for growth for the next six to ten years and where possible 11-15 years.

1.0.9 Local authorities are required to identify a supply of deliverable sites to meet the need for Traveller accommodation for the next five years; and identify sufficient developable sites or broad locations with potential to meet the need arising in the 6 – 10 and 11 – 15 year periods of the Local Plan. The definitions of what constitute 'deliverable' and 'developable' sites are set out in the PPTS, footnotes 4 and 5:

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

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

1.0.10 It is within this context that the Council's approach to Gypsy and Traveller provision has been devised and the policy within the plan formulated.

## 1.1 How does the recent change to the planning definition of ‘Gypsies and Travellers’ affect the structure and precise wording of draft Policy H5?

1.1.1 No material change is required to the structure of Policy H5 because of the revised definition set out in PPTS.

1.1.2 Within the glossary, at Annex 1, it states (change highlighted):

*“For the purposes of this planning policy “gypsies and travellers” means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”*

1.1.3 The amendment effectively puts the Traveller definition back to that set out in the 2012 version of the PPTS by reintroducing into the definition those who have ceased to travel permanently due to education, ill health, or old age. It remains the case, however, that to meet the definition households must have previously travelled for work or seeking work, regardless of whether travelling has ceased on a temporary or permanent basis. Additionally, where travelling has ceased for reasons other than those specified, those households do not meet the definition.

1.1.4 To assess the implications of this change, the data gathered to inform the 2022 Gypsy and Traveller Accommodation Needs Assessment (“GTAA”) [\[EX/CYC/88\]](#) has been reviewed and the current definition applied to households in the study. Given the passage of time since the work was completed in 2022, it was necessary to also update household information as part of that process. Contemporary household details are presented at Appendix 1, which form the basis of the following adjustments to pitch needs between 2022-2038 with the current definition applied (Table 1).

	2022-27	2027-32	2032-33	2033-37	2037-38	Total	2022
<b>Meet Planning Definition</b>	9	1	1	0	0	<b>11</b>	<b>14</b>
<b>Undetermined</b>	2	0	1	0	1	<b>4</b>	<b>2</b>
<b>Do Not Meet Planning Definition</b>	11	5	3	2	2	<b>23</b>	<b>24</b>
<b>Total</b>	22	6	5	2	3	<b>38</b>	<b>40</b>

Table 1: 2024 update of pitch needs (Appendix 1)

---

Main modifications to Policy H5 are set out in [EX/CYC/128](#) at MM5.11 and MM5.12. The revised definition and the findings referred to above do not give rise to any need to amend the structure of Policy H5, which safeguards existing sites and supports new pitch provision in three parts: within Existing Local Authority Sites; within Strategic Allocations; and planning Applications.

- 1.1.5 It remains the case that the provision in part (a) of 10 pitches on the two Council-owned sites is intended to meet defined needs, and specifically the need arising in the first five years to 2027.
- 1.1.6 At part (b) of the policy, reference is made to the residual need for households that do and do not meet the planning definition. MM5.11 [EX/CYC/128] amends the figure from 44 to 30 pitches, but it is now recommended that this is further revised to 28 pitches to account for the latest evidence (being 12 pitches in the period 2022-27 and 16 pitches in the period 2027-32, as set out in Table 1 above) (see Figure 1, below). Consequential changes to the explanatory text are also proposed and shown in green below (see Figure 2, below). This includes simplification of table 5.3 to make clear the pitch needs across the plan period by category and applying the latest figures as shown in Table 1 above. MM5.15 [EX/CYC/128] separately identified pitch provision that is to be delivered through “Gypsy and Traveller Policy” and “Housing Policy”. As Policy H5 seeks to address all elements of pitch needs, the column referring to housing policy is not necessary and is proposed to be removed from the table.
- 1.1.7 Full extracts of Policy H5 and H6 with further modifications marked up are presented at Appendix 2.

**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:

**Figure 1: Further modifications to MM5.11**

- 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
<b>Total</b>	<b>38</b>

Figure 2: Further modifications to MM5.15

- 1.1.8 Main modification MM3.1 [EX/CYC/128] introduces a reference to pitch requirements within the Plan's overarching strategic policy, Policy SS1: Delivering Sustainable Growth for York (see Figure 3, below). For consistency, it is requested that that the clause is updated to reflect the changes to Policy H5 and a further revision to MM3.1 is therefore proposed:

- Deliver 15-12 new permanent pitches for Gypsies and Travellers and 4 permanent plots for Showpeople (as defined by Planning Policy for Traveller Sites) over the plan period. Whilst the needs of Gypsies, Travellers and Travelling Showpeople who do not meet the planning definition fall outside this allocation, in order to meet their assessed needs the Plan makes provision for 25-26 permanent pitches for Gypsies and Travellers who do not meet the definition

Figure 3: Further modification to MM3.1

---

## **1.2 Does draft Policy H5, and the Plan as a whole, make adequate provision for the future needs of Gypsies and Travellers?**

- 1.2.1 Yes, Policy H5 and the Plan as a whole makes adequate provision for the future needs of Gypsies and Travellers.
- 1.2.2 The submitted Plan has been positively prepared and seeks to meet the full objectively assessed need for Gypsies and Travellers as evidenced in the GTAA.
- 1.2.3 The methodology underpinning these findings was examined as part of the phase 3 hearings. Through its Matter 9 hearing statement [[HS/P3/M9/G&T/1](#)] and oral submissions made at the hearing, the Council evidenced the soundness of this work and justified its reliance on it for establishing pitch needs in York to 2038.
- 1.2.4 As explained in response to question 1.1, the GTAA findings have been further reviewed and the amended PPTS definition applied to households (see appendix 1). Consequential modifications are proposed to Policies H5 and SS1 to reflect our latest evidence of need.
- 1.2.5 Paragraph 10(a) of the PPTS states that Local Authorities should ensure a land supply to meet identified pitch needs for the first 5-years, which for York equates to 9 pitches (plus 2 pitches to meet undetermined need). For years 6-10, and where possible 11-15, developable sites or broad locations for growth should also be identified (PPTS paragraph 10(b)).
- 1.2.6 Reflecting these requirements, Policy H5 secures pitches through the following means:
- I. Safeguarding supply on all three existing sites.
  - II. Confirming the location of 10 pitches to be provided on the Council's two existing sites in order to satisfactorily meet the 5-year need for defined travellers. As sites that are owned and operated by the Council it has full control of the delivery of additional pitches in these locations. As such, the Council considers this both an appropriate and deliverable approach.
  - III. Specifically requiring development of strategic residential sites to deliver a proportionate number of traveller pitches which will meet the need for 2 additional pitches later in the plan period (and a further 2 pitches to meet undetermined need). These developable sites/broad locations will be delivered through the operation of Policy H5 part b) and the criteria-based element at part c).

---

1.2.7 The needs of those households that do not meet the planning definition were assessed to establish the components of need forming part of wider housing assessments in accordance with paragraph 159 of the National Planning Policy Framework, 2012 (“NPPF”). The Council positively addresses these needs through the [modified] provisions at policy H5 part b) that require pitches to be delivered as part of strategic sites which have been shown to be deliverable and developable ([EX/CYC/76](#)).

### **1.3 Are the existing local authority sites, and specifically the site at Outgang Lane, Osbaldwick, suitable for the further expansion expected?**

1.3.1 Yes, the existing sites of Water Lane, Clifton and Outgang Lane, Osbaldwick are suitable for further expansion, in accordance with securing provision as set out in question 1.2.

1.3.2 As explained in the Council’s submission in October 2023 [EX/CYC/127gi], the Council continues to submit that the sites at Clifton and Osbaldwick are both deliverable and developable, in accordance with the PPTS. Both sites are addressed in detail below, but in summary, the Council submits:

- I. As both sites are owned and managed by the Council, it has significantly more control in the process of delivering these new pitches as well as investing in the existing provision, which provides confidence and certainty that development will be realised. This is supported by the action plan that the Council is in the course of delivering, as explained above.
- II. The use of the sites is lawful and well established, and there is sufficient land available to support expansion in a form that accords with best practice (pitch sizes of between 200m<sup>2</sup> and 500m<sup>2</sup> and provision of supporting infrastructure). Should it be necessary to do so for the purposes of more effective management, the sites are also capable of being split into two.
- III. Expansion can be achieved whilst maintaining, and improving, acceptable living conditions for existing and future residents.

1.3.3 The Council recognise that James Street Travellers Site is not suitable for expansion. The site does not have physical capability to expand as it is constrained by existing road infrastructure, built development and Tang Hall Beck. This site will therefore remain at 20 pitches.

---

### **Clifton Travellers Site**

- 1.3.4 Planning permission for 20 pitches was first granted on the site at Water Lane, Clifton in 1974 and in 2002 a further 2 pitches were approved<sup>1</sup>. Retrospective planning permission was granted for a single pitch in 2010<sup>2</sup> taking the total to 23 pitches, all of which remain on the site today.
- 1.3.5 The site is located within an established and built-up part of the City, with a mix of commercial and residential uses adjacent to it. An earth and grass bund screens much of the site along its perimeter and a large area of amenity space is located within the centre of the site.
- 1.3.6 The site occupies a total area of approximately 18,000 sqm and is capable of being reconfigured to accommodate the additional 6 pitches whilst also providing sufficient amenity space for all existing and future residents. Detailed design and layout options will be explored and developed following completion of the stock condition survey referred to above and which is already in hand as part of the Council's existing workstreams. This will be further supported by the Council's action plan.

### **Osballdwick Travellers Site**

#### **Investment to Osballdwick**

- 1.3.7 As set out in the Introduction, above, the forthcoming report sets out the Council's proposals to proactively invest in existing and new pitches to ensure that investment is made to support the City's gypsy and traveller community and will help to bring about a range of social and physical improvements. This investment is anticipated to have an overall positive outcome for residents, regardless of any expansion proposals.
- 1.3.8 For Osballdwick, the commissioned stock condition survey will inform the development of a business case to invest in existing facilities and pitches to improve the quality of accommodation and site environment; This will consider pedestrian access, external lighting, improvements to the utility blocks, and hard and soft landscaping works in the sites. Assumed costs for these improvements are included in the £5m investment, pending confirmation of the requirements identified.

#### **Osballdwick site suitability**

- 1.3.9 The justification for an extension of the Osballdwick site has been the subject of careful consideration through the Local Plan process; and this continued up to and during the time period of consultation on the Proposed Main Modifications (2023), the response

---

<sup>1</sup> Application 01/03432/GRG3

<sup>2</sup> Application 10/00276/GRG3

---

of the Council to consultation on the Proposed Main Modifications (May 2023) [EXCYC123ai-c] and a request for further information submitted in October 2023 [EXCYC127a-g].

- 1.3.10 Relevant site history and consideration of suitability matters are set out in the paragraphs below.

#### Formation of an official site

- 1.3.11 The Osbaldwick site is long established. It was formally given permission and regularised by the former North Yorkshire County Council in 1982<sup>3</sup>. The original application sought to regularise: *“[t]he Provision of an official site at Outgang Lane will enable the gypsy families at present parking without planning permission in the immediate vicinity to have a permanent site where normal facilities of electricity, water and sewerage will be provided”*.
- 1.3.12 The land was compulsory purchased to formalise land ownership and was recognised by the Inspector considering the compulsory purchase order at the time as an *“unauthorised gypsy encampment...on Outgang Lane... records show that it has been a gypsy stopping place for about 40 years but the number of caravans there has increased in the last 10-15 years”*. Further the Inspector’s report at this time recognised the industrial surrounds to the site, including a concrete mix works, as well as its access to facilities and the existing residential fringe of Osbaldwick being 100m away. The Inspector further recognised that there is *“a decided preference for this area”* and *“probably that there would be very few potential sites so located... where there are main services and within a reasonable distance of community facilities”*.
- 1.3.13 The National Gypsy Council recognised through the CPO process that: *“In the absence of other suitable sites, the general vicinity of Outgang Lane is the best location for a permanent site. This is because it is in an area in which the gypsies have resided for years and where they want to stay.”* They also recognised that three other sites were considered but this was the most suitable site then available.

#### Recent history and suitability

- 1.3.14 The established site at Osbaldwick had 12 pitches. The site gained planning permission<sup>4</sup> for 6 additional pitches to the east of the original site in October 2013. As part of this approval, it was accepted that the site was in the general extent of York’s Green Belt and that very special circumstances were met in order to grant permission. Together the land now provides 18 pitches.

---

<sup>3</sup> Application 3/100182/PA

<sup>4</sup> Application 13/02704/GRG3

- 
- 1.3.15 The entirety of the field to the east of the original site was purchased by the Council to enable the expansion of the site and is retained in the Council's ownership. Management and responsibility of the entire site continues to be with the Council.
- 1.3.16 In the current plan-making process, the Osbaldwick site has been considered for safeguarding and expansion since 2014, inclusive of the additional pitches.
- 1.3.17 The Osbaldwick site was assessed as suitable in respect of the spatial strategy, both in the initial suitability exercise by the Council (2013) and in the Gypsy and Traveller Site Identification Study (site YORK012 [SD060]). Subsequent assessment against detailed guidance regarding recommended site size resulted in further expansion of the site being discounted in the 2014 study (stage 2); this national guidance<sup>5</sup> was subsequently withdrawn on 1 September 2015.
- 1.3.18 Necessary revisions were made to the policy approach to continue to secure the safeguarding of the Osbaldwick site and to include further expansion to deliver new pitches for those gypsies and travellers who met the planning definition. At the Pre-Publication (Regulation 18) (2017) and Publication (Regulation 19) (2018) stages, the Local Plan (draft) included the requirement of 3 pitches across all existing sites. As per question 1.2, this requirement has subsequently been adjusted in light of updated evidence and modifications are proposed to clarify the location of additional pitches [EX/CYC/128].
- 1.3.19 Submissions made by the Council during the Phase 3 hearing session evidenced the site's 'deliverability' in accordance with the PPTS definition<sup>6</sup>, including that the site is within the control of the Council. Our October 2023 response reiterated this view.
- 1.3.20 Further, in recognition of likely off-site financial contributions to be received, the Council has sought to make a further amendment to the Green Belt boundary at the Osbaldwick site to ensure additional land within the existing Gypsy and Traveller site designation could be utilised for additional pitches, if necessary, following outcomes of ongoing work to assess land within the Council's estate. Our proposed modifications to the Green Belt in this location [PMM26] amends the boundary to allow for c.7000sqm of additional development space, roughly half of the Council's land holding. The most recent pitches developed at Osbaldwick were around 400sqm in size so allowing for required infrastructure, this could accommodate the further 4 pitches for defined need, plus if necessary, up to an additional 13 pitches. As set out above, the Council is

---

<sup>5</sup> <https://www.gov.uk/government/publications/designing-gypsy-and-traveller-sites-good-practice-guide>

<sup>6</sup> Phase 3 Hearing Session, Matter 9: 00:59:03- 01:09:00 <https://www.youtube.com/watch?v=5wvvY2qpMJE>

---

committed to ensuring that future provision is accommodated in the best available locations. The approach therefore embeds flexibility into the policy and meets the requirements for demonstrating developability through later years of the plan. This formed the basis of modifications agreed with the Inspectors in January 2023 as part of the Main Modifications consultation.

1.3.21 The Council has also explained in its October submission (para 2.10 onwards [EX/CYC/127gi]) that the expansion of the Osbaldwick site was discussed and endorsed by senior officers responsible for the Local Plan who agreed that expansion to the site could take place, whilst also acknowledging there were existing challenges with the site. This opinion was initially based upon advice received from Michael Jones, Head of Housing and Asset Management as set out in his email of 13 May 2022 [EX/OTH/36a] and demonstrated in the Hearing Sessions. It was subsequently endorsed as part of officer emails/ briefings ahead of the Council's response to the Inspectors request for further information on 16 November 2022 [EX/INS/43] and the Council's issue of 'Provision for Gypsies and Travellers and Travelling Showpeople' document (December 2022) [EX/CYC/121a], as well as the decision to endorse consultation on the Main Modifications in January 2023.

1.3.22 The existing challenge and conditions of the site were specifically referenced by Neil Ferris, Corporate Director of Place, in the following:

- I. Local Plan Working Group (January 2023) [EX/CYC/127b]: *"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".*
- II. Executive (January 2023) [EX/CYC127c]: *"In respect of the site at Osbaldwick, it's fair to say and I recognised at last weeks LPWG and the housing team that work for me, recognise that the site at Osbaldwick is in need of improvement, both in terms of managerial and the conditions of the site itself. We have significant offsite provision in terms of funding from other sites, YC being a good example, that would go a long way to put significant investment into that site and far from those housing officers not welcoming the opportunity to build more travellers sites at Osbaldwick, it was the Housing Management team came forward and demonstrated that the site could be accommodated on the land we proposed to allocate in the LP. There is absolutely no doubt across*

---

*the housing management team that it is a challenging prospect to manage it, but a bigger site with more resources on it would give us the best opportunity to manage it.”*

- III. Released internal correspondence (February 2023)[[EX/OTH/36d](#)]: *“This then is not the basis for my disappointment as to the state of the situation at Osbaldwick G&T site which I publicly recognised at both Local Plan working Group and Executive and our need as a Directorate to grasp not only the new provision within the Local Plan but the poor existing condition of our G&T facilities and our ongoing resourcing of support for the G&T provision from expanded revenues as the City grows. ... I believe we will be strongly recommending to Executive to receive a report to establish a G&T pitch delivery programme and Capital funding and resourcing for this programme which for clarity will need to include major maintenance proposals for existing sites. The constant improvement journey and pace of delivery of the Housing, Planning and Regeneration teams (for developer Sites) gives me a high degree of confidence that we will make the G&T provision in the City fitter for purpose than it has ever been and at pace and we all recognise the scale of that challenge we have”.*

### Surrounding use

- 1.3.23 The Inspector’s report into the CPO in 1982 references the surrounding industrial uses. The area surrounding the site has not changed in its use type; the businesses directly adjacent and in close vicinity to the site are considered to be industrial use (use class B2 or Sui Generis). With regards to these industrial uses:
- I. There has been a change of use of the sewage works to the west of the Osbaldwick site into a waste management location for the purpose of recycling soil, rubble and inert materials<sup>7</sup>; this is an extension to an existing skip hire business located to the south in the industrial site. Permission for this use was granted in October 2007. The conditions limit stockpiles of material to 5m above existing ground level, the provision of a 3m boundary bund constructed and planted in accordance with approved details and which are to be maintained thereafter.
  - II. To the south of the waste site, southwest of the Osbaldwick site, the longstanding concrete works has been reworked via an approved permission in 2019<sup>8</sup>. Permission was granted for effectively reconfiguration of the existing site with an additional cement silo, mixing tower, aggregate bins, storage buildings and batch cabin. As part of this application, impacts to residential amenity were considered, including that: *“Although the proposed structures would be sited slightly closer to*

---

<sup>7</sup> Application 07/01243/FUL

<sup>8</sup> Application 19/01836/FUL

---

*dwellings to the north east, the distance would be a minimum of 37 metres to the boundary with the residential site. The proposed development is not considered to result in a loss of outlook or light to the residential site. Public Protection have advised that they are satisfied they would be no noise disturbance issues from the slightly closer siting of plant to the residential area.”*

- 1.3.24 It follows that at all times, both before and since the establishment of the Osbaldwick site, due regard has been had to the compatibility of neighbouring land uses and the protection of residential amenity.
- 1.3.25 There has also been a retrospective permission granted<sup>9</sup> for a haulage business and private travellers site located at the end of Outgang Lane, in close proximity to the site. This retrospectively provided approval for the continuation of an existing business but with a residential element to respond to the family choosing to reside on-site for the purposes of their business. The residential element of the permission is linked to the employment use by way of condition and solely operates for the named applicants until such time as they cease to occupy the premises. Supporting information submitted for this application states that the land was acquired for business use by a traveller family with connections to the adjacent Osbaldwick site. As part of the justification it states *“The family are hopefully that the application will be looked at positively as they would wish to remain in the area and continue with their developing business”*. This application was also supported by way of letters from surrounding operators in the industrial estate.

#### Access to facilities

- 1.3.26 The situation with regards to facilities and services remains similar to the original application. The fringe of Osbaldwick remains roughly 100m away from the Travellers Site. There continues to be a range of services and facilities around 800m of the site, albeit that these are accessed beyond the industrial estate (see Appendix 5).
- 1.3.27 The Local Plan allocates ST7 ‘Land to the east of Metcalfe Lane’ for 845 homes directly to the north (approx. 150m) of the existing Osbaldwick site. The principles set out in policy SS9 (as proposed to be amended), against which this new garden village will be masterplanned and delivered, are considered relevant for the long-term. Ultimately, the requirements for this new community will also increase accessibility and connectivity to local facilities and public transport for the existing community. Particularly relevant are principles iii (new local service centre), vi (vehicular access to Murton Way), vii (delivery of frequent and accessible public transport services) and viii (optimising pedestrian and cycle connectivity), all of which will improve the current situation for

---

<sup>9</sup> Application 07/00448/FUL

---

residents. The Council will also explore with the landowners whether it is acceptable to redirect access to the Travellers site from the north via the proposed new road leading between ST7 to Murton Way. This could ensure the site is linked via an adopted road with associated footpath and lighting infrastructure with direct frequent public transport connections.

- 1.3.28 This approach was articulated in our response to the Equalities and Human Rights Commission wherein we stated that *“In respect of Local Services within the Osbaldwick and Derwent Ward the Local Plan proposes a new strategic site just north of Outgang Lane making provision for 845 homes with obligations to bring forward community facilities such as those you mention in your letter which are currently in deficit in this part of the City. Thereby addressing not just the proper expectations for the GRT community but the community as a whole...”* [EXCYC127d].

#### Site management at Osbaldwick

- 1.3.29 Our October 2023 response (paras 2.27-2.31 [EX/CYC/127gj]) presented our understanding of the existing challenges faced by the site and how we are actively working to secure improvements of existing conditions as part of an holistic approach for residents.
- 1.3.30 As Neil Ferris confirmed in correspondence with the Equality and Human Rights commission [EXCYC127d), the issues with the site *“can, are and will be addressed by the Council both in respect of the current site and any detailed planning applications that would be necessary for a proposed extension of the site or the multiple new GRT sites that are proposed in the Local Plan across the City. To this end on the existing site since the issue of dust pollution was raised through the public Local Plan decision sessions the Council’s Environmental Health Team have already undertaken multiple regulatory visits to sites we regulate through Environmental Health and a joint site visit with the Environment Agency as regulator for the neighbouring industrial estate with further follow up visits proposed”*.
- 1.3.31 This references proactive action between the Council’s Environmental Protection Team and the Environment Agency, who regulate the nearby site via an environmental permit. Together they have investigated the conditions at the Osbaldwick site following reporting of potentially adverse living conditions from an informal officer site visit on 19 February 2023.
- 1.3.32 Once this was reported, the following actions were taken:
- I. An immediate initial investigation was instigated on 23 February 2023 regarding the issues of air pollution and dust. This identified the dust as originating from an

---

adjacent business, which had a large stockpile of crushed materials on the eastern boundary of their site.

- II. A joint inspection between Council officers and the Environment Agency on 8 March 2023, during which officers spoke to the site manager about increasing the height of bunds adjacent to local residents and ensuring stockpiles are kept at more reasonable levels in the future. The permit issued by the Environment Agency requires them to use water suppression and shrouds to minimise dust when they are crushing. The Environment Agency requested the business to provide an updated dust management plan; we understand that this is still pending.
- III. A joint inspection with Environment Agency on 23 October 2023. The site was extremely muddy due to the recent rain meaning no dust was visible during the visit. However, it is considered that the bunding around the eastern boundary should provide a more effective screen to reduce dust impacting nearby properties. Whilst there continued to be a number of stockpiles on site, there was no evidence that these are causing a dust issue. A breach of the permit issued by the EA was observed on site in relation to the use of a mobile crusher as no prior notification had been provided to the EA. This was therefore being raised with the relevant regulatory authority (Leeds City Council) by the EA jointly with the Council.

1.3.33 The Council's Environmental Protection team considered, at that time, that no further action was required. However, there has been continued liaison between the Council and the Environment Agency regarding the environmental permitting regime. Additionally, in checking our records for neighbourhood enforcement back to 2000, we have not been able to identify any formal complaints made by the residents of the Osbaldwick site about the business/properties adjacent to the site.

1.3.34 The Environment Agency have also confirmed that there have been no complaints raised against the waste management site from the Travellers site to the east. However, they have a previously recorded instance from June 2018 regarding dust originating from the waste business onto adjacent agricultural fields to the west. A site visit confirmed that whilst the majority of the dust was being controlled, the site operator was not, at that stage, taking all reasonable measures as outlined in their management plan and that further dust suppression was required, and plant shutdown if necessary if more windy. Additional dust suppression system measures were confirmed in place in July 2018

1.3.35 The concrete works, another adjacent use, is regulated by the Council. Our Environmental Protection team are satisfied that this business is currently operating within its permitted regime.

---

1.3.36 The Council's officers will continue to work with and hold the Environment Agency to account as regulator to ensure any (suspected) breaches of the permitting regime are reported, monitored and effectively dealt with. The Council will also, as part of the forthcoming action plan, review necessary actions to capture complaints made on behalf of the community verbally so that further investigations are undertaken when issues are notified. The Council's Environmental Protection Team are appropriately resourced to undertake this action.

---

**1.4 Is the approach of draft Policy H5 to the provision of pitches on strategic sites soundly based?**

**1.5 Specifically, is the sequential approach to provision of pitches on-site, off-site and the approach to financial contributions in lieu sufficiently robust to ensure that new pitches required to meet needs, come forward at appropriate times?**

**1.6 If provision of new pitches as part of the development of the Strategic Sites is to be provided off-site, directly, or through the vehicle of financial contributions, how are these pitches proposed to be provided, where will they be provided, and when?**

1.6.1 The requirement for strategic sites to deliver a proportionate number of pitches as part of the overall development is sound and fully justified. As summarised in Appendix 3, no other sites for gypsy and traveller developments have been successfully identified through the Plan's preparation and the approach is appropriate in that context. The financial implications of pitch delivery have fed into the plan viability work at every stage to demonstrate that the policy does not place an unacceptable burden on the development of strategic sites.

1.6.2 In recognition of the need to prioritise delivery of pitches on-site to give certainty to the location of new provision, main modifications to the policy establish a cascade approach to effectively discourage the use of financial contributions in lieu of physical delivery. The wording of the policy is deliberately tightened (MM5.11 in EX/CYC/128) and is supported by additional explanatory text (MM5.16) that makes clear the very limited circumstances that financial contributions will be acceptable. The approach requires sufficient evidence that the site cannot be masterplanned to accommodate the requisite number of pitches. As most of the sites that will be subject to this policy are greenfield and relatively unconstrained, there is no expectation that satisfactory design solutions cannot be found in these locations. Discussions are ongoing with strategic site developers and the Council has not been given any indication that the requirement for on-site pitch provision will not be met.

1.6.3 Work submitted to the examination in December 2022 ([EX/CYC/121a](#)) set out the Council's expectations for a rolling supply of pitches throughout the plan period relative to needs. The table below updates figure 2 in EX/CYC/121a in accordance with the revised evidence of needs (presented at appendix 1)

	<b>2022-27 (0-5)</b>	<b>2027-32 (6-10)</b>	<b>2032-33 (11)</b>	<b>2033-37 (12-15)</b>	<b>2037-38 (16)</b>
Pitch needs: Non-Definition (23)	11	5	3	2	2
Pitch needs: Definition (11)	9	1	1	0	0
Pitch needs: Undetermined (4)	2	0	1	0	1
<b>Total (38)</b>	<b>22</b>	<b>6</b>	<b>5</b>	<b>2</b>	<b>3</b>
CYC Clifton	6				
CYC Osbaldwick	4				
ST1B		2			
ST4 (financial contribution)	2				
ST5 (financial contribution)	2	1	1	1	1
ST7		3			
ST8 (financial contribution)	3				
ST9		3			
ST14		4			
ST15		6			
ST33 (financial contribution)	2				
ST36				3	
<b>Total</b>	<b>19</b>	<b>19</b>	<b>1</b>	<b>4</b>	<b>1</b>

**Table 2: Rolling traveller pitch supply within the plan period**

- 1.6.4 ST5 and ST8 both have financial contributions secured through S.106 agreements that accompany outline planning permissions granted on the sites. Two other sites – ST4 and ST33 – are in the process of finalising s.106 agreements inclusive of financial contributions to pitch provision. Without the full weight of Policy H5 applying to these decisions it has not been possible to negotiate on-site delivery in each case. However, upon adoption of the Plan the policy will have the full force of statute, thereby significantly limiting the instances of other commuted sums to pitch delivery being agreed.
- 1.6.5 The Council forecast these financial contributions (equivalent to 13 pitches) in EX/CYC/121a and confirmed that the pitches *could* be delivered on its site at Osbaldwick. Through ongoing work to support the Gypsy and Traveller community and in reviewing the Council's investment requirements, it is recognised that there is likely to be some lag before the trigger points for the payments are reached. To ensure pitches are delivered sufficiently early in the plan period to meet need as it arises, the Council is committed to forward funding pitches in lieu of payment being received. As noted above, a report setting out recommendations to this effect will be published ahead of the meeting of the Council's Executive on 14 March. This approach to forward

---

fund delivery of pitches in lieu of secured contributions gives certainty to delivery and demonstrates the Council's commitment to delivering not only defined traveller pitch needs, but also those not meeting the planning definition too.

- 1.6.6 The location of these pitches is not included in the policy as it is not relied upon for soundness. Flexibility is important and gives the Council scope to investigate alternative sites/locations that may offer a more suitable solution if they become available after the adoption of the Plan.
- 1.6.7 A new paragraph is proposed to sit within the explanatory text to policy H5 and H6 that reflects the commitment to explore other sites and undertake comparative assessments of the opportunities they present.

**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. 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 alternative sites. 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

**Figure 4: New main modification, paragraph 5.40a**

- 1.6.8 The strategic sites that are expected to deliver pitches as part of their comprehensive development are yet to secure planning permission but are forecast to come forward at a time that coincides with pitch needs arising later in the plan period. The trajectory of delivery presented in table 2 above is based on the housing supply position presented to the examination in [EX/CYC/107-1](#). It is acknowledged that there may be some adjustments to timing of site delivery given the protracted examination process, but the phasing of pitch delivery will be negotiated as part of the planning application process and informed by evidence available at the time to ensure new provision comes forward in an appropriately timely manner. No material change is expected as a result.

---

## **1.7 Does the recent change to the planning definition referred to above affect draft Policy H6 and its supporting text too?**

- 1.7.1 No. The GTAA (EX/CYC/88) identified no households that do not meet the planning definition for the purposes of travelling showpeople. The plot needs identified in that work are unchanged (as shown at as part of the information presented at Appendix 1) and main modifications MM5.13 and MM5.14 [EX/CYC/128] remain appropriate in this regard. No further modifications to policy H6 (including supporting text) are necessary.

---