

Meeting:	Executive
Meeting date:	14 March 2024
Report of:	Corporate Director of Place
Portfolio of:	Executive Member for Housing, Planning and Safer Communities

Delivering additional Gypsy and Traveller Accommodation and improving existing facilities

Subject of Report

1. The council own and manage 61 Gypsy and Traveller pitches across three sites. These are at Water Lane in Clifton, Outgang Lane in Osbaldwick, and James Street in Layerthorpe. The evidence base for the emerging Local Plan identifies the need for additional pitches to meet an identified need. These will be provided through a combination of new pitch provision on both strategic housing sites and direct delivery by the council. As well as providing new pitches, there is a need to invest in existing pitches and sites to improve the quality of accommodation and facilities for residents. This report identifies how the additional pitches will be delivered by the council alongside improvements to existing facilities. This programme of works will be forward funded with a full business case to be developed and brought before Executive this year. It is estimated the cost of the additional pitch provision and improvements will be around £5.25m.
2. The council previously adopted a Gypsy, Roma and Traveller Strategy which ran from 2013 – 2018 (see **background papers**). This Strategy was not refreshed after 2018 and instead a working group of officers and partners has been established and this

information is referenced on the Council's website¹ and in the October 2023 response to the Local Plan Planning Inspectors².

Benefits and Challenges

3. There is an identified need to provide additional Gypsy and Traveller accommodation in the city. Without planned provision there will be significant housing pressures on members of these communities which could result in overcrowded accommodation and unhealthy living environments. This report seeks to build on the policies of the emerging Local Plan, providing a plan for how the council will both deliver new pitches alongside supporting developers of the strategic sites to provide additional accommodation. This will require forward funding from the council, with grant funding and S106 contributions being utilised where appropriate to reduce the long term capital investment costs.
4. In addition to the new pitches, the council has a duty to ensure that existing accommodation and associated facilities are safe and good quality, given residents the best opportunity to thrive. This will require significant investment following completion of stock condition surveys and engagement with existing residents. A new role has been created to lead on this work, accelerating our ability to understand priorities and to develop a business case for investment.
5. Accommodation is only one part of the solution to removing inequalities that exist within our Gypsy and Traveller communities. As such, this report builds on existing good work which is taking place within the city and seeks to ensure that investment decisions are part of the wider and holistic approach that is being taken to support Gypsy and Traveller communities in York.

Policy Basis for Decision

6. In respect of housing provision, the Council Plan 2023-27 seeks to increase the supply of travellers' homes. This is being delivered through the emerging Local Plan which seeks to provide an

¹ <https://www.york.gov.uk/TravellerStrategy>

² See Local Plan Examination Library, document EXCYC127a-gj; <https://www.york.gov.uk/planning-policy/local-plan-examination-library-city-york-council-documents-2023-onwards>

additional 38 Gypsy and Traveller pitches over the plan period on various sites within York, both council owned and on strategic housing sites. Evidence, prepared to support the Local Plan and its spatial strategy, forecasts when development is likely to happen to demonstrate that recognised needs can be met throughout the timeframe of the plan.

7. The new Council Plan, which was adopted in September 2023, contains four core commitments to enable it to deliver the vision for the next four years. The first of these is 'Equalities and Human Rights - Equality of Opportunity'.
8. The commitment states: 'We will create opportunities for all, providing equal opportunity and balancing the human rights of everyone to ensure residents and visitors alike can benefit from the city and its strengths. We will stand up to hate and work hard to champion our communities.'
9. A second of the core commitments is Health and Wellbeing. This states 'We will improve health and wellbeing and reduce health inequalities, taking a 'Health in All Policies' approach, with good education, jobs, travel, housing, better access to health and social care services and environmental sustainability.'
10. As Gypsy and Traveller communities are groups which face some of the most considerable health inequalities, the health needs assessment and subsequent planned work will seek to address this.
11. Spatial locations to provide this need must be in accordance with the PPTS and National Planning Policy Framework. Consequently, the spatial strategy for the Local Plan sets out where/when the requisite requirements will be delivered. Policies H5 'Gypsies and Travellers' and H6 'Travelling Showpeople' set out more specifically where further provision will be supported. Within Policy H5, further pitch provision is supported by expanding existing sites at Water Lane (Clifton) and Outgang Land (Osbalwick) and new sites will be delivered within strategic allocations. Further, the policy offers site selection criteria for determining the suitability of any further windfall sites that may come forward over the plan period.
12. In December 2023 the planning definition of 'gypsies and travellers' was revised in Annex 1 of government's Planning Policy for

Traveller Sites (PPTS) to mean: *“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.”* The implications of this change have been assessed as part of the Local Plan’s examination and found to have no material impact on the number of new pitches that the Plan provides for.

Financial Strategy Implications

13. In respect of council owned sites and pitches, this report presents an approach of significant investment over the next few years. This investment will include creating additional pitches on council owned sites as well as improving existing accommodation through such things as improved pedestrian access, external lighting, improvements to the utility blocks, and hard and soft landscaping works in the site. This will initially be funded by the council with some of this investment being repaid over the coming years through S106 contributions and, if available, grant funding. This is further explored in the ‘Accommodation Needs’ section of this report below.
14. The report identifies anticipated expenditure and funding requirements of £5.25m over this period which will require council borrowing. Of this sum potentially £1.95m will come from future s106 contributions. This would leave £3.3m long term borrowing requirement to the Council.
15. Decisions to fund the investment outlined above will need to be considered alongside other council pressures and priorities but ultimately resources can be reallocated from other spending areas or through additional borrowing with additional revenue budget provided to cover the borrowing costs. The report at this time provides indicative costings but will be subject to a full business case with updated programme. Any decision for new borrowing will require Full Council Approval.

Recommendation and Reasons

16. Executive is asked to:

- I. Approve the 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. In doing so, formally acknowledging an investment estimated to be £5.25m will be needed and officers instructed to produce a detailed business case which will be brought before Executive for consideration later in the year.
- II. In addition to approving the physical investments in pitches (recommendation I), note that a separate report will be brought to executive to refresh the Council's commitment to addressing the inequalities of all kinds that are faced by the gypsy and traveller community. This separate piece of work will set out a wide range of actions that are being developed with the gypsy and traveller community in order to address the issues highlighted in a recently completed Gypsy and Traveller Health Needs Assessment and those that have been identified by the gypsy and traveller community or through the discussions on the subject of this report.
- III. Note that a recruitment process is underway for a Senior Project Officer Gypsy and Traveller Accommodation. 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.
- IV. Note that a stock condition survey has been commissioned to be completed in spring and the outcome of which will inform investment plans alongside resident engagement.
- V. Note that, subject to further Executive approval post plan adoption, a Supplementary Planning Document will be developed setting out the design principles for pitch delivery to support the Local Plan policies that require additional pitches on both council sites and Strategic Housing Sites.

- 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.

Background

17. The council previously adopted a Gypsy, Roma and Traveller Strategy which ran from 2013 – 2018 (see background papers). The Strategy was developed to help support residents from these minority ethnic communities. This Strategy was not refreshed after 2018 and instead a working group of officers and partners has been established and this information is referenced on the Council's website and in the October response to the Planning.
18. In 2021, a Gypsy and Traveller Working Group was established in partnership with York Travellers Trust ('YTT'). The group seeks to address the inequalities that Gypsy and Traveller communities face in a holistic way. The vision is to work towards ensuring that Gypsies and Travellers experience an inclusive, fair, and understanding community in York. This report recommends that a future report is brought back to Executive with the outcomes of this work.

Accommodation Needs

19. Each of the 61 Council owned and managed pitches contains a service/amenity block including a kitchen area and bathroom. There is an associated hardstanding area for a caravan and vehicles. The council has responsibility for repairs and maintenance within the service block with the residents responsible for their own caravans. Pitches are used under a license agreement. This service is provided within the General Fund.
20. The license fee for the 61 pitches creates an income of around £300k per year. Around half of this is spent on staffing costs within the housing service, including support workers and supervisors. The other half covers all physical asset costs including repairs and utilities. There is not projected to be any surplus from the income generated this year which can be set aside for capital investments to improve facilities on these sites. This is consistent with the budget position from recent years.
21. The draft Local Plan seeks to safeguard and increase the provision of pitches through Policy H5 ‘Gypsy and Travellers’. The approach taken in the emerging Local Plan is to positively respond to both planning ‘definition’ and ‘non-definition’ planning need. This is evidenced in the Gypsy and Traveller Accommodation Assessment (GTAA) (2022), which was prepared in accordance with the Planning Policy for Travellers Sites (2015) definition. Whilst this definition has recently been amended to include those who travel permanently, we have sensitivity checked the raw data and consider that there is no further identified need above the 40 pitches identified in the 2022 GTAA.

Table 1: Need for additional Gypsy and Traveller Accommodation pitches

	2022-27 (years 0-5)	2027-32 (years 6 – 10)	2032-33 (year 11)	2033-37 (years 12-15)	2037-38 (year 16)	Total Number of Pitches	Total Number of Pitches including undetermined
Non- definition	11	5	3	2	2	23	26

<i>Definition</i>	9	1	1	0	0	11	12
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22. The 'definition' need is for 9 additional pitches by the end of March 2027 and a further 2 pitches by 2038. The emerging local plan responds to this by identifying the delivery of 10 new pitches, 6 at the Clifton site and 4 at Osbaldwick. The additional pitch accounts for a family known to be living in a non approved location. The cost of meeting this need will need to come from a combination of council borrowing and any available grant funding, for example through Homes England Affordable Housing Programme.
23. The Local Plan also seeks to meet the need for 23 pitches for Gypsy and Travellers who do not meet the planning 'definition'. These pitches are to be delivered or funded through the development of allocated Strategic Housing Sites in compliance with Local Plan Policy H5: Gypsies and Travellers.
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 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.
25. It is proposed that the development of additional pitches will adhere, where possible, to good practice guidance. To support this a Supplementary Planning Document will be developed which will set out the design principles for pitch delivery to support Local Plan policies. A separate report regarding SPDs will be brought to Executive in due course.

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.

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

27. Within Section 106 agreements of existing planning permissions there are £1.35m of commuted sums secured in order to provide additional Gypsy and Traveller accommodation pitches. There are also draft S106 agreements linked to two additional planning applications expected to generate future S106 commuted sums of £600k. The table below identifies when S106 commuted sums are expected to be received based on the Local Plan projected build out of strategic housing sites and taking account of how the commuted sum payments are linked to housing completion numbers.

Table 3: Summary of when S106 commuted sums to deliver additional Gypsy and Traveller pitches are expected to be received by the council

	Before 2027	2027 - 2032	2032- 2037	Post 2038
Committed sums within S106 agreements	£0	£600k	£450k	£300k
Committed sums within draft S106 agreements	£600k	£0	£0	£0
Total	£600k	£600k	£450k	£300k

28. Alongside a commitment to deliver additional pitches, it is known that the three council owned sites are in need of significant investment in order to improve the quality of accommodation and communal facilities on site. Work is underway to understand the condition of existing pitches through a comprehensive stock condition survey which has been commissioned and will take place this spring. This survey will consider mechanical, electrical and structural condition, alongside the energy efficiency of the service buildings on each of the three sites. This data will be considered alongside the views of the residents of the sites to help identify areas for priority investment. This could be improvements to pedestrian access, street lighting, improvements to hard and soft landscape areas, or facilities for children. Whilst the business case is required to be developed following the receipt of the stock condition information, it is reasonable at this stage to assume that an investment budget of around £30k per plot will be needed to both upgrade existing pitches and the overall quality of the sites, including consideration of access arrangements. This would equate to a total improvement expenditure of around £1.8m. Including the front funded investment for additional pitches, this equates to a broad investment envelope of around £5.25m. £1.95m of this investment will be repaid through S106 agreement. In addition, grant funding opportunities will be explored to reduce the council budget ask further.
29. The Local Plan identifies that the sites at Clifton and Osbaldwick are suitable for expansion to meet need. This report also confirms a plan to develop a business case to invest in existing facilities and pitches to improve the quality of the accommodation and site environment at these locations. This will ensure that the existing

and new residents will have access to safe and healthy accommodation. Alongside developing the business case for investment in existing pitches and sites, we will explore any opportunities which are available for delivering additional pitches on alternative sites.

30. 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. Therefore, a workstream will be established to identify and assess alternative sites to support Gypsy and Traveller Accommodation and referred to in recommendation VII.
31. The Local Plan also presents opportunities for better integration of the Osbaldwick site into services and facilities including the provision of improved accessibility. The Strategic Site identified as ST7 is around 100m north of the Gypsy and Traveller site. Work is on-going with the developer of this site around early delivery of an access road which could provide improved pedestrian, cycle and vehicular access to the site alongside creating access to new public open space. This approach could bring numerous benefits to the existing residents of the Osbaldwick site, integrating it into a positive new and connected neighbourhood.
32. To lead on the delivery of additional pitches and the development of investment plans for existing sites, a recruitment campaign is underway for the appointment of a Gypsy and Traveller Accommodation Officer. This role will lead on analysing the stock condition survey information, working alongside the existing communities around priorities, developing an investment plan, bringing forward plans for additional Gypsy and Traveller pitches on council land, and supporting the developers of the Local Plan strategic sites to meet their obligations with regards to the provision of additional pitches. This role will sit within the housing asset team but will work across multiple teams to deliver on these ambitions.

Consultation Analysis

33. The approach set out in the Local Plan has been tested through the ongoing examination of the Local Plan and most recently consulted on in the Main Modifications Consultation held in early 2023. Following additional information submitted to the Inspectors regarding the approach, a further public hearing session to discuss the policy approach is scheduled for 6th March 2024.

Options Analysis and Evidential Basis

34. Through the Local Plan process a need has been identified for additional Gypsy and Traveller accommodation pitches. This need will be met through the delivery of additional pitches on council sites alongside delivery on Strategic Sites within the Local Plan. This report sets out a forward funding approach for the delivery of additional pitches by the council with investment supplemented by S106 funds when received and any grant funding opportunities. As well as meeting need for additional pitches this report sets out a plan to invest in existing pitches and sites, informed by a condition survey and liaison with existing residents around priorities. A business case will be brought forward seeking a budget for investment later this year. This could include options to deliver pitches on alternative sites if a suitable site can be identified.
35. A failure to demonstrate a plan for both providing additional pitches and improving existing could render the current Local Plan to be considered unsound.

Organisational Impact and Implications

Financial

36. The in-principal recommendation of agreeing additional investment in Traveller pitches has the following financial implications
- a. For the additional pitches that are council responsibility there will need to be additional budget approved by Full Council. The pitches can be funded from reallocating currently approved

budgets or from additional borrowing. This will need to be included within future financial strategy reports. Any new borrowing will need Full Council Approval

- b. For the pitches that will be ultimately funded from s106, a business case will need to be completed examining the likely timeline between payments being made and receipts from s106 coming in. There is likely to be a short term cash flow cost and there may also be risks around total costs and total receipts. Any borrowing requirements will need Full Council approval.

37. Assuming investment of £5.25m should this ultimately be funded from new borrowing would lead to in additional borrowing costs of c£470k. This would reduce to c£300k once the s106 funding was received. The costs would need to be factored into future budget strategies once final costs and profile of investment is determined.

Human Resources (HR)

38. The role of Senior Project Officer Gypsy and Traveller Accommodation that will lead on the delivery of additional pitches and the development of investment plans for existing sites has been established and will be recruited to as per Council's establishment and recruitment policies. There are no other HR implications contained within this report noting that the work arising from the recommendations are to be accommodated within existing resource provision.

Legal

Local Plan

39. The procedures which the Council is required to follow when producing a Local Plan derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.
40. The Council also has a legal duty to comply with the Statement of Community Involvement in preparing the Plan. (S19(3) 2004 Act).
41. In addition, the Council also has a legal "Duty to Co-operate" in preparing the Plan. (S33A 2004 Act).

42. The Secretary of State for Communities and Local Government wrote to the Council on 16th November 2017 emphasising the importance of up-to date local plans and expressing concern at the lack of progress City of York had made up to that point. Since then, the Council has been in dialogue with the Secretary of State who continues to monitor progress on the Local Plan closely.
43. There remains a substantial risk of direct interventions by Government into the City's Local Plan making with the consequential inability to steer, promote or restrict development across its administrative area in accordance with its Local Development Scheme.
44. The Examining Inspectors have raised a specific concern that the Council's approach to collecting financial contributions from developers to fund Gypsy and Traveller pitches in lieu of on-site provision may be unsound without evidence of how the financial contributions will be used to secure the delivery of pitches.
45. It is noted that this report identifies potential solutions for the challenges with the delivery of further pitches at the Osbaldwick site but that the solutions will need to be delivered more quickly than funding from financial contributions from the developers of strategic allocations will be available. This is a strategic risk to the Council's approach in policy H5 of the Local Plan as the approach is predicated on satisfactory provision at the Osbaldwick site.
46. The proposal to fund, or to identify alternative appropriately timed funding, for the delivery of the necessary infrastructure solutions at the Osbaldwick site and recoup the monies through future financial contributions may assist in addressing the Examining Inspectors' concerns.

Equalities and Human Rights

47. The Council needs to take into account the Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected

characteristic and persons who do not share it in the exercise of a public authority's functions).

48. The Council has considered its public sector equality duty in relation to policy H5 in the Local Plan and the funding proposals set out in this report. The purpose of the policy and the funding proposals to support it is to safeguard and increase the provision of pitches for the Gypsy and Traveller community within York.
49. An addendum to update the original equalities impact assessment (EIA) of the Local Plan has been undertaken and is attached at Annex A. The EIA has identified that the Local Plan is likely to have a positive effect on social considerations through the continued positive support and provision of housing delivery. SPD's identified in the report will be subject to their own EIA, undertaken as part of their individual preparation.

Procurement

50. Any proposed works or services will need to be commissioned via a compliant procurement route under the Council's Contract Procedure Rules and where applicable, the Public Contract Regulations 2015. All tenders will need to be conducted in an open, fair, and transparent way to capture the key principles of procurement. Further advice regarding the procurement routes, strategies and markets must be sought from the Commercial Procurement team.

Health and Wellbeing

51. Our Gypsy and Traveller community in York face a number of health inequalities and poorer health outcomes, as demonstrated in the Gypsy and Traveller Health Needs Assessment 2023. The adequate provision of pitches to meet the housing and accommodation needs of the community, as well investment in the physical quality of existing pitches, will contribute to the narrowing of these health gaps. This report also points to future work to be developed with the Gypsy and Traveller community for tackling wider health and social inequalities beyond accommodation, and City of York Council commitment to this agenda will have positive health and wellbeing implications.

Environment and Climate action

52. Completion of the stock condition survey will assist the identification of potential energy efficiency improvements to the communal service blocks and pitches. Energy efficiency support is provided to Gypsy and Traveller pitches through the Local Energy Advice Demonstrator and all residents will have access to the Retrofit One-Stop-Shop for York, once established. Energy efficiency improvements to the communal service blocks has the potential to reduce operational costs, while improvements to pitches and caravans can reduce energy costs for the gypsy and traveller community, who experience some of the highest levels of fuel poverty nationally.
53. Improvements to existing sites and planned future provision, should consider the potential impacts of climate change and ensure that new infrastructure is resilient and climate ready; considering the potential for increased instances of flooding and overheating.

Affordability

54. The recommendations in this report support and address accommodation, availability and needs.

Data Protection and Privacy

55. As there is no new personal data, special categories of personal data or criminal offence data being processed for this report, there is no requirement to complete a DPIA. This is evidenced by completion of DPIA screening questions - reference AD-03992 (Annex B).

Communications

56. Communications Service support will be required in the likely event of media and community interest in the matter, both proactively and reactively.

Economy

57. There are no direct economy implications relating to the recommendations of this report.

Risks and Mitigations

58. The costs identified are based on estimates of likely investment need of both maintenance requirements at current sites and the cost of providing new pitches. Ultimately costs will be dependent on pitch locations, access to highway infrastructure, planning requirements and works specification, inflation levels and ultimately procurement exercises. These estimates therefore will need to be regularly updated before final financial decisions are brought to Executive and Full Council.

Wards Impacted All

Contact details

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Background papers

The York Gypsy, Roma and Traveller Strategy 2013- 2018 [York Gypsy Roma and Traveller Strategy 2013-18 CMT 23.05.13](#)

Gypsy and Traveller Accommodation Assessment (2022)
[Local Plan Examination Library document ref EXCYC88]
<https://www.york.gov.uk/downloads/file/8191/ex-cyc-88-gypsy-and-traveller-accommodation-assessment>

Annexes

Annex A – Equalities Impact Assessment

Annex B - Data Protection Impact Assessment Screening