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Briefing on the Planning Bill

22 April 2008

The Planning Bill finished its passage through Commons Public Bill Committee on 5 February 2008 and a revised version of the Bill was published at that time. It will return to the Commons for Report and Third Reading in the near future.

The following briefing has been prepared for the Traveller Law Reform Project with the help of Marc Willers of Garden Court Chambers.

Parts 1-9, Chapter 1 inclusive and Parts 10-11 seem to have no direct relevance to Gypsies and Travellers. However, Part 9 Chapter 2 includes some provisions which could have an impact on them.

Clause 150 proposes the amendment of the Planning and Compulsory Purchase Act 2004 so as to enable Statements of Community Involvement to be produced without independent scrutiny by the Secretary of State. This point is of concern - given the CRE's 2006 *Common Ground* report findings on the omission of Gypsies and Travellers from many such documents.

- **Statements of Community Involvement need independent scrutiny to ensure that they always include Gypsies and Travellers where these communities' interests are likely to be affected.**

Clause 155 subsection 2 proposes the amendment of the Town and Country Planning Act 1990 and gives the Secretary of State the power to specify descriptions of planning applications which can be determined by the officers of Local Planning Authorities (LPAs) and reviewed by the LPA but cannot be appealed to the Secretary of State. It would be of considerable concern if the Secretary of State ordered that Gypsy and Traveller cases were to be determined in such a way, given the prejudice that Gypsies and Travellers face in all walks of life and the fact that it has been noted in the past that 90% of their applications are refused at first instance by LPAs.

- **Appeals determined by the Secretary of State give Gypsies and Travellers a full and fair opportunity to test objections to their proposals for sites. Denying Gypsies and Travellers the right to do so would have a disproportionate impact on them.**

Clause 156 makes similar proposals for the determination of applications for certificates of lawful use or development. The same concerns arise in respect of applications made by Gypsies and Travellers for certificates relating to their homes.

Clause 168 proposes that the Secretary of State will have the power to decide the procedure by which an appeal will be determined. At present the parties are able to opt for the means by which an appeal will be determined and TLRP sees no reason why that practice should not continue. It would be of concern if Gypsies and Travellers could not opt to have their appeals determined at a planning inquiry in circumstances where there was a dispute of fact or a conflict between the opinions of the parties' experts that can be best resolved by testing the evidence under cross-examination.

- **The Secretary of State should ensure that Gypsies and Travellers always have the right to have their appeals determined at a planning inquiry.**