



2010 PRESS RELEASE

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Gypsy and Traveller sites - Proposed new rules on Gypsy and Travellers sites will "restore the balance between communities".

North East Bedfordshire MP Alistair Burt has welcomed Conservative Party proposals to change laws on Gypsy and Travellers sites should it win the General Election. The issue of sites, which has been of significance in Bedfordshire over the last couple of years, has been contentious, and Mr Burt has already drawn the attention of Ministers and the Prime Minister to problems in existing legislation.

Alistair Burt said "I have been concerned for some time that existing legislation, designed to make relations between gypsy and travellers and the settled community more harmonious, have in fact ended up doing the reverse. Top-down targets from unelected regional bodies have made life very difficult for local Councils, and planning law has seemed to favour retrospective building applications for travellers which would not have been allowable for others.

The Conservative Party's new policy would curtail the ability to apply for retrospective planning permission. This will stop the practice of people laying down concrete on weekends or Bank Holidays and then putting in a subsequent planning application. The policy will also scrap John Prescott's unfair Whitehall planning rules, and ensure more power to existing Local Authorities, and would give tougher "stop notice" enforcement powers for Councils with authorised sites.



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I do believe there is a sensible obligation on Local Authorities to provide for travellers in areas where their movement has been long established. But these sites must be decided upon and selected locally with the involvement of locally-elected Councils, and must be done in a way which does not leave the settled community feeling disadvantaged. I think these new proposals have a much better opportunity to redress the balance and should be good news for both travellers and the settled community at large”.

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Neill: Time for 'fair play' to stop exploitation of the planning system

Conservatives to pledge new measures to tackle illegal development and trespass

Conservatives today (Friday) announce new plans to tackle widespread public concern about the exploitation of the planning system. A new policy blueprint will pledge to address the small minority of travellers who occupy illegal or unauthorised sites. The proposals will include plans to:

- Create a new criminal offence of intentional trespass, as already in place in the Republic Of Ireland. Trespassers who refuse to move after being asked to do so by a uniformed police officer will face arrest. At present, trespass (which does not involve criminal damage) is a civil offence - forcing the landowner to go to court. This will allow both squatters and travellers occupying property without permission of the landowner to be removed quickly.
- Curtail the ability to apply for retrospective planning permission. This will stop the practice of people laying down concrete on weekends or bank holidays and then putting in a planning application (currently, planning enforcement cannot commence whilst an application is pending).
- Scrap John Prescott's unfair Whitehall planning rules, which are compelling councils to build traveller camps on the Green Belt and compulsory purchase people's land to find sites.
- Give tougher 'stop notice' enforcement powers to councils with authorised sites, and support central funding for councils to build authorised sites - rather than it failing to local taxpayers.
- The Human Rights Act will be replaced with a British Bill of Rights to prevent 'human rights' lawyers sidestepping the planning system and demanding special treatment. The Bill of Rights will bring greater clarity to the police and councils when taking decisions on planning and eviction.



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Shadow Minister for Local Government and Planning, Bob Neill said:

“The British public want to see fair play for all, rather than special treatment being given to some. Labour’s changes have undermined community cohesion by creating a legitimate sense of injustice in the planning system. Law-abiding citizens understandably have to jump through many hoops to build in rural areas. Yet it’s wrong that certain groups have been given a green light to bypass those rules and concrete over the Green Belt when no-one’s looking.”

ENDS

For Further information please contact Jo Hindley on 0780 973 1023

Notes to editors:

LABOUR’S GREEN LIGHT TO TRESPASS AND ILLEGAL DEVELOPMENT

Labour Ministers have given travellers special treatment and allowed them to flout planning laws. But law-abiding homeowners have to go through town hall bureaucracy if they want to build a new home or an extension. This perception of unfairness breeds causes tension in local communities.

- **Effect of Labour’s Human Rights Act.** Many travellers have been buying farmland to set up permanent encampments in breach of planning law. They only apply for planning permission retrospectively, if at all, and use the legal process and Labour’s Human Rights Act to sidestep planning rules. Court decisions, coupled with weak planning enforcement powers, have created precedents that give travellers the green light to establish encampments on greenfield land.
- **Prescott’s Distorted Planning Rules.** Whitehall planning guidance issued by John Prescott in 2006 has given the green light to development on the countryside, weakening Green Belt protection and forcing councils to consider using compulsory purchase powers to meet new top-down regional targets for traveller camps (ODPM, *Circular 01/06: Planning for Gypsy and Traveller Caravan Sites*, February 2006.). In the two years before that 2006 guidance, 68 per cent of planning appeals relating to traveller sites were dismissed by the Planning Inspectorate; in the two years afterwards, 65 of appeals were granted planning permission by the Inspectorate (DCLG, *Progress Report on Gypsy and Traveller Policy*, 16 July 2009, p.13).
- **Special Equality Rules.** Labour Ministers have issued a ‘diversity and equality’ planning guide. It calls for ‘positive action’ and tells planners to give minority groups like travellers special treatment in the planning process (*Hansard*, 9 February 2009, Col. 1700WA). Under Labour, promoting the ‘equality and diversity’ is now a material consideration in the planning process, but the effect on residents’ house prices from an illegal traveller camp is not (*Hansard*, 9 September 2009, Col. 2014WA).
- **Harriet Harman Wants Even More Special Treatment.** Harman’s new Equality Bill will give travellers even more privileged treatment, because of new duties on local authorities which will distort planning applications and the provision of local services (*Hansard*, 5 October 2009, Col. 2295WA; *Hansard*, 5 October 2009, Col. 2295WA).



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- **Ineffective Enforcement Powers.** The Government claims that it has given new powers to councils to issue Temporary Stop Notices to tackle breaches of planning controls. Yet Whitehall guidance states that they cannot be used to stop an illegally erected building being occupied as a residence; and they can only prohibit the continued stationing of a caravan if there is a 'compelling public interest' and a 'risk of harm' - yet such stricts test will rarely apply (ODPM Circular 02/2005, *Temporary Stop Notice*, March 2005). The Government has even admitted: 'There has been a number of cases reported recently of developments of... traveller sites where planning applications have been submitted to the local authority just as it was closing, and too late for any action to be taken to prevent development taking place over the course of the weekend' (DCLG, *Progress Report on Gypsy and Traveller Policy*, 16 July 2009, p.13).
- **More Illegal Sites.** Labour's special treatment has led to more illegal traveller sites not fewer. The number of unauthorised traveller sites has soared since the introduction of the Human Rights Act. Many travellers are now buying cheap farmland and building on it without prior planning permission. Since the Human Rights Act came into force in 2000, there has been a four fold increase in unauthorised traveller camps on travellers' own land which are 'tolerated' – indicating how travellers are treated with a 'soft touch' from some town halls. Similarly, there has been a near three-fold increase in traveller camps since 2008 on their own land which are 'not tolerated' (January 2000 to January 2009, cited in *Hansard*, 8 June 2009, Col. 757WA). As of January 2009, a massive 1,279 unauthorised travellers are 'tolerated' and a further 1,086 are not 'tolerated' on travellers' own land. There are a further 1,315 unauthorised traveller camps on other people's land (*ibid.*).

NEW CONSERVATIVE POLICY PROPOSALS

"Conservatives believe in social responsibility. Different people, from different communities, should be free to lead their lives in different ways. But this freedom must come with a responsibility to the wider community. The vast majority of travellers accept this, but a very small minority do not.

Planning rules should ensure fairness between the settled and the traveller communities. Local authorities have a role to ensure the provision of suitable authorised sites to tackle genuine local need for their area in consultation with local communities. In addition, recent UK case law has clarified that councils need to provide authorised sites locally if they are to be able to take effective action against unauthorised sites, even though enforcement still remains a major problem.

Where, therefore, councils have made appropriate provision for authorised sites in their area, which reflect local need and historic demand, we will provide them with stronger enforcement powers to tackle unauthorised development and illegal trespass. In addition, we will introduce a new criminal offence of intentional trespass.

At the same time, it is important that settled council taxpayers do not foot the bill for the construction of new authorised sites. We will also therefore reform the system of traveller site funding to councils so that councils are properly compensated for new sites and require travellers to make a contribution to the appropriate cost of services on authorised sites.

The Human Rights Act affects all the planning, eviction and enforcement decisions made by all public authorities, including councils and the police. It has made it more difficult and expensive to evict trespassers from private and public property, and has overridden planning law by allowing travellers to go ahead with unauthorised development. We will replace Labour's Human Rights Act with a new British Bill of Rights, which will help address these problems.



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The Labour Government has used the regional planning system and top-down targets to force local planning authorities to build new traveller camps, often on Green Belt land and, if necessary, use their compulsory purchase powers to obtain land for these new traveller sites. Conservatives disagree with top-down building targets, be it for traveller camps or new houses.

As part of the abolition of regional planning and the Regional Spatial Strategies, targets for the provision of traveller camps will be scrapped. In addition we will also scrap John Prescott's controversial guidance on travellers.

In addition, our promise to limit the concept of retrospective planning permission will also ensure that another route by which the planning system has been abused by those seeking to use unauthorised sites will be curtailed.

As a result we will have introduced a legal framework, similar to that which exists in the Irish Republic, to enable councils to remove unauthorised dwellings. This will allow councils to tackle the problem of unauthorised sites including both those built on land which is owned by travellers and land which is not."

ENDS

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