



Isle of Man
Government

Reillys Ellan Vannin



Operational Policy on Publicity of Planning Applications

January 2023

Department of Environment, Food and Agriculture

Planning and Building Control Directorate Murray House

1.0 PURPOSE OF THIS DOCUMENT

- 1.1 This operational policy document sets out how we will carry out publicity and engagement in relation to applications made under the Town and Country Planning Act for Planning Approval (including Registered Building Consent and Advertisement Consent). It is intended to clarify how we will meet the minimum standards for publicity and what additional activity we may undertake.

2.0 DEFA OPERATIONAL POLICY – PUBLICITY

2.1 Planning Applications will be publicised in accordance with the policy set out below.

- A. To comply with our legal requirements, applications will be advertised by way of a site notice, notification of relevant statutory consultees and inclusion in a weekly list which will be published online.**
- B. In addition to the above, we *may* also undertake additional steps which *may* include:**
- 1. publishing the weekly list on social media, sending copies to an opt-in distribution list and notifying non-statutory consultees of relevant applications;**
 - 2. making an opt-in online service available to notify members of the public when an application is made in an area; and/or**
 - 3. informing neighbouring properties that immediately about the application site.**
- C. Where an application is to be determined by the Planning Committee we may advise the applicant/agent and those that have made comment, subject to the provision of an e-mail address.**

Note: Explanatory text to assist in the application of the above policy is provided in section 4.0

3.0 BACKGROUND

3.1 There a number of different types of applications which can be made under the Town and Country Planning Act which require publicity and to which this policy relates¹:

- section 10(1) (application for planning approval);
- section 10(3) (discharge or variation of a condition)²;
- section 10(6)(d) (reserved matters)³;
- section 15 (control of works affecting registered building);
- section 19(3) (demolition in conservation area);
- section 22(2)(b) (applications relating to the display of advertisements);
- paragraph 3 of Schedule 3 (variation or discharge of a condition of registered building consent)

3.2 Legal Requirements

3.2.1 The requirements for publicity are set out in:

- the Town and Country Planning (Development Procedure) Order 2019 at Article 7⁴
- the Town and Country Planning (Registered Buildings) Regulations at Regulation 8⁵; and
- the Town and Country Planning (Control of Advertisement) Regulations 2013 at Regulation 10⁶.

3.2.2 The requirements are:

- Production and content of notice;
- Provision of notice to Applicant/Agent and requirement for them to display it;
- Notification to statutory consultees (and provision of details of how to view the application);
- Enabling powers for Local Authorities to carry out such publicity as it sees fit; and
- Publication of the notice in in at least one newspaper circulating in the Island; or by such other means as the Department considers appropriate.

3.2.3 The statutory consultees are the relevant Local Authority and:

- for planning applications - the Department of Infrastructure (Highways);
- for Registered Building applications – Manx National Heritage; and
- for Advertisement applications - the Department of Infrastructure (Highways, Ports and Railways).

¹ Certificates of Lawfulness, Telecommunications Prior Approval Applications and Minor Change Applications do not require publicity (other than giving the Local Authority opportunity to comment for the former). The process for dealing with applications to de-register buildings is informed by the relevant legislation and not within scope of this policy.

² Article 27 of the Town and Country Planning (Development Procedure) Order 2019 indicates that these will be treated as a planning application

³ Ditto

⁴ Article 17 sets out the publicity requirements for applications to be determined by the Council of Ministers and this policy will apply, with any necessary modifications, to those applications also.

⁵ Regulation 13(2) applies the same requirements to application to be determined by the Council of Ministers

⁶ Regulation 14(3) applies the same requirements to application to be determined by the Council of Ministers

4.0 POLICY EXPLANATION

4.1 Descriptions

Obligation to provide and verify an accurate description

- 4.1.1 It is the responsibility of the applicant or their agent to correctly and appropriately describe the development. We may publish guidance on this to assist.
- 4.1.2 When we send the site notice to the applicant or agent, the cover letter will ask them to check the description. It is important that this is done as early as possible to prevent confusion to the public and/or delays by any requirement to re-advertise the application.

The Department's right to amend descriptions

- 4.1.3 Where we consider that a description does not accurately or concisely describe the proposed development we will reserve the right to amend and clarify it prior to validating the application.
- 4.1.4 After validation, if the case officer considers that the description does not accurately or concisely describe the proposed development, or comments has been received regarding the accuracy of the description, we will reserve the right to amend and clarify it by re-publishing the application.

4.2 Display of Site Notices

Responsibility to display a site notice

- 4.2.1 It is the responsibility of the applicant to display the site notice correctly in accordance with the legislation. Agents should inform applicants about the requirement for displaying site notice.
- 4.2.2 Applicants may wish to take a photograph with a date stamp of the notice being displayed in context for future reference.

Requirements for displaying a site notice

- 4.2.3 Where a site notice is displayed it must be fixed firmly to a building, other structure or near the land that is subject to that application so that:
- it can easily be read by members of the public from a public highway without the need to enter the application site;
 - is unlikely to be obscured or concealed; and
 - it remains so displayed for a period of not less than 21 days beginning with the day on which it was first displayed.

Department's right to seek re-display of a site notice

- 4.2.4 Where we become aware that a site notice is not displayed properly or has been taken down and the 21 days has not elapsed, we may issue a new notice and re-start the 21 day period.

4.2.5 In deciding the course of action we will consider whether there is evidence that the applicant has taken reasonable steps to display the notice, such as the photo in 4.2.2.

4.3 Neighbour Notifications

Identification of properties for notification

4.3.1 Neighbouring properties with a postal address directly abutting the application site will be identified via the Basic Land and Property Unit (BLPU) Points (IOM Government corporate address gazetteer). Notification cannot be sent to field numbers – or owners of fields. The notification will direct people to the website to view details and/or make comments on the application. If a member of the public has difficulty in accessing the application online themselves, they are encouraged to view the application at the Planning and Building Control public computer kiosk Murray House, Mount Havelock, Douglas where someone can assist, or alternatively contact their Local Authority.

4.3.2 We may choose to notify other properties in addition to those directly abutting an application site. This will be at the discretion of the case officer, taking into account the nature of the proposal and area.

4.3.3 In the case of multiple properties in one building, or houses in multiple occupation, we may send correspondence solely to the building address or rely on the other forms of notification.

Initial notification only

4.3.4 Due to resource constraints we will not provide postal updates where the application description is amended; or when amended or updated plans are received; or if an appeal is made. The onus would remain on persons to regularly check Online Services for this information.

4.4 Planning Committee Notification

4.4.1 Information about the [Planning Committee](#) and the [public speaking scheme](#) is published online.

4.4.2 It is possible to sign up to have an email alert as to when the planning committee agendas are published, albeit this is for all agendas and as such is appropriate for agents and consultees. Should you wish to do this please contact planning@gov.im

4.4.3 The Department is running a trial of a system to alert applicants or their agents and anyone who has made a representation on an application as to when that application is on an agenda for Planning Committee. In order to be able to do this an email needs to be provided as part of the application submission or representation.