



**Isle of Man**  
**Government**

*Reillys Ellan Vannin*

Department of Local Government  
and the Environment

**The Town and Country Planning Acts 1934 to 1981**

**Isle of Man Planning Scheme  
(Development Plan) Order 1982**  
(Incorporating amendments up to 1<sup>st</sup> April 1988)

Any further enquiries please phone 685950



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## Part 1 – General

### 1. Short title and commencement

This Order may be cited as the Isle of Man Planning Scheme (Development Plan) Order 1982 and shall have effect from the 1<sup>st</sup> August 1982.

### 2. Interpretation

In this Order the following words and expressions have the respective meanings hereby assigned to them -

“**The Acts**” mean the Town and Country Planning Acts 1934 to 1981;

“**The area**” means the area described in Article 3 hereof;

“**The 1934 Act**” means the Town and Country Planning Act 1934;

“**The 1981 Act**” means the Town and Country Planning Act 1981 (b)

“**Betting office**” means any building which is subsequent to a betting office licence pursuant to the provisions of the Betting Act 1970 (c) as amended by the Gambling Laws Amendment Act 1976 (d), and the Betting (Licensed Offices) Regulations 1970 (e).

“**The Department**” means the Department of Local Government and the Environment;

“**Building**” has the same meaning in this Order as in the Acts and, except where otherwise provided, includes land occupied therewith and used for the same purpose;

“**Dwelling house**” means a house designed for use as a dwelling for a single family together with such outbuildings as are ordinarily used therewith;

“**The Ecological Survey**” means the Ecological Survey of the Isle of Man 1974 prepared by the Institute of Terrestrial Ecology and the plan appended thereto;

“**Erection of buildings**” includes structural alteration of or the making of any addition to, a building

- b) 1981 C.40
- c) XXI p. 220
- d) 1976 C.25
- e) GC 20/70

**“Flat”** means a separate set of premises, whether or not on the same floor, constructed or adapted for use for the purpose of a dwelling for the occupation of one household and forming part of a building;

**“The Freeport area”** means the land at Balthane in the Parish of Malew delineated on the plan annexed to the Isle of Man Planning Scheme (Development Plan) (Amendment) Order 1988;

**“Garage”** includes any building or part of a building used for the storage or repair of motor vehicles;

**“General industrial building”** means an industrial building other than a light industrial building or a special industrial building;

**“Industrial building”** means a building (other than a building in or adjacent to or belonging to a quarry or mine and other than a shop) used for the carrying on of any process, for or incidental to any of the following purposes, namely:-

- a) The making of any article or part of any article; or
- b) The altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, or breaking up or demolition of any article; or
- c) Without prejudice to the foregoing paragraphs, the getting, dressing or treatment of minerals;

Being a process carried on in the course of trade or business other than agriculture, and for the purposes of this definition the expression ‘article’ means an article of any description, including a ship or vessel;

**“Light industrial building”** means an industrial building (not being a special industrial building) in which the processes carried on or the machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, or grit, or undue generation of traffic or parking of vehicles;

**“Notation”** includes zone and also denotes safe-guarded areas which are marked diagrammatically on the Plan as an indication of policy without necessarily defining the precise boundaries involved;

**“Office”** includes a bank, but does not include a post office or betting office;

**“Open space”** means any land, whether enclosed or not, on which there are no buildings or on which not more than one-twentieth part of covered with buildings;

**“the Plan”** means –

- a) in relation to any part of the Scheme area in respect of which a special Order is for the time being in operation, the plan annexed to the special Order;

- b) in relation to any other part of the Scheme area, the plan annexed hereto and marked "Isle of Man Planning Scheme (Development Plan) Order 1982;

**"Planning approval"** means the approval under Article 4 of the Department (or, in the case of development by the Department, of the Governor in Council) to the development of land;

**"Residential building"** means a building other than a dwelling house designed for use for human habitation together with such outbuildings as are ordinarily used therewith and includes an hotel designed primarily for residential purposes and a residential club;

**"The Scheme"** means the Scheme contained in this Provisional Order;

**"The Scheme area"** means the area to which this Order applies;

**"Shop"** means a building or part of a building used for the carrying on of any retail trade or retail business wherein the primary purpose is the selling of goods by retail, and includes a building used for the purposes of a hairdresser, undertaker or ticket agency or for the reception of goods to be washed, cleaned or repaired, or for any other purpose appropriate to a shopping area, but does not include a building used as a funfair, garage, petrol filling station, office, betting office, or hotel or premises (other than a restaurant) licensed for the sale of intoxicating liquors for consumption on the premises;

**"Special industrial building"** means an industrial building used for the carrying on of processes (including storage) which may be particularly offensive by reason of noise, smell, vibration, smoke, soot, ash, dust, grit or fumes, or dangerous by reason of the storage or use of dangerous or inflammable material, or inimical to public health by reason of vermin or other causes;

**"A special Order"** means an order made under section 6 of the 1934 Act after the coming into operation of this Order and having annexed thereto a plan which is intended to have effect, as respects any part of the Scheme area specified in the order, in place of the plan annexed to this Order;

**"Supplementary Order"** means an Order made by the Department supplementing the Scheme in accordance with the provisions of section 6(1) (c) of the 1934 Act;

**"Zone"** means a portion of the area shown on the Plan by distinctive colouring, hatching or edging or in some other distinctive manner for the purpose of indicating the restrictions imposed by this Scheme on the erection and use of buildings or the use of land in that area.

### 3. Area of Scheme

The area to which this Provisional Order applies shall be the whole of the Island except the Freeport area, the area of the Douglas No.1 (New Street Area) Planning Scheme Provisional Order, the Douglas No.2 (Ballakermeen and Ballabrooie Estates) Planning Scheme Provisional Order, the Douglas

**4. Permission for Development**

- (1) The development of land within the Island is prohibited unless the development –
  - a) has been approved by the Department and such approval has been communicated in writing to the person applying for the same or his agent duly authorised in that behalf; and is carried out under and in accordance with such conditions (if any) as may be specified in the resolution of the Department giving the approval; or
  - b) is exempt by virtue of any Order made under Section 3A (3) of the 1934 Act.
- (2) In reflection to development by the Department, paragraph (1) has effect with the substitution for references to the Department of references to the Governor in Council.

**5. Duration of Provisional Order**

This Provisional Order shall remain effective from the date of its commencement subject to modification by any Supplementary Order made from time to time to deal with the relevant matters in greater detail and also to take account of changes in circumstances, which may effect development policy.

**6. Duration of Planning Approval**

Under no circumstances shall a planning approval be granted for an initial period in excess of four years and the Department may at its discretion specify a shorter length of time during which the approval will remain valid.





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## Part 2- Reservation of lands

### Zones and Notations on the Plan

#### 7. Reservation of lands

Land shall be reserved and safeguarded in the Scheme for the purposes indicated on the reference panel printed on the Plan.

#### 8. Effect of the scheme

The scheme shall be a guide to the Department in its administration of development policy and errors of information or discrepancies on the Plan shall not invalidate the scheme or this Provisional Order.

#### 9. Existing land uses

Any use of land existing at the date of coming into operation of this Provisional Order, not being a temporary use of land controlled by the terms and conditions of any approval granted to such use of the land, and not being in conformity with the zoning of such land in the plan, shall be allowed to continue until such time as a Supplementary Order shall make provision for its discontinuance.

#### 10. Zones and notations

The zones and notations on the plan may indicate the matters following -

- 1) areas of predominantly industrial use;
- 2) areas of predominantly residential use;
- 3) areas of low density housing in parkland;
- 4) areas for public open space;
- 5) national glens open to the public and owned by the Department of Agriculture Fisheries and Forestry;
- 6) areas for tourist accommodation in parkland;
- 7) areas of predominantly tourist accommodation;
- 8) areas for principal business, civic, cultural and other special uses for the town as a whole;
- 9) areas of predominantly shopping use;
- 10) areas of buildings for civic, cultural and other special use;
- 11) principal traffic routes;
- 12) principal car parks;
- 13) land for railway purposes;
- 14) waterways, docks and harbours of traffic importance;
- 15) schools and other establishments in large grounds;
- 16) areas for open spaces not open to general public;
- 17) proposed route of coastal footpath;

- 18) areas for surface mineral working;
- 19) areas for the surface disposal of waste;
- 20) areas for Government or service department purposes;
- 21) airfields;
- 22) waterworks and reservoirs;
- 23) sewage disposal works;
- 24) areas owned by the Manx Museum and National Trust;
- 25) ancient monuments and sites of archaeological interest;
- 26) areas for camping;
- 27) land unsuitable for development owing to danger of pollution of an existing or future public water supply;
- 28) areas of land owned by the Department of Agriculture, Fisheries and Forestry and the Department of Highways, Ports and Properties;
- 29) plantations owned by the Department of Agriculture, Fisheries and Forestry;
- 30) areas of private woodland or parkland;
- 31) areas subject to a dedication covenant;
- 32) areas where there are building height restrictions or air safety regulations;
- 33) land covered by water;
- 34) areas for reclamation;
- 35) areas not zoned (which shall be marked on the Plan as "white areas");
- 36) areas of high landscape or coastal value and scenic significance;
- 37) areas defined in the Ecological Survey as nature conservation zones, nature reserves, and sites of ecological importance for conservation;
- 38) routes of 33 000 volt overhead high tension lines forming the primary electricity distribution network;
- 39) other land uses.



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### Part 3 – Policy and standards of development.

#### 11. Matters for consideration on applications for planning approval.

- 1) In considering applications for planning approval for development the Department shall have regard, inter alia, to the matters set out in sub-paragraph (2) of this Article and, if approval is granted, may impose such conditions as it shall think fit.
- 2) The matters referred to in sub-paragraph (1) of this article are as follows-
  - a) The principle of land use-
    - (i) the zones and notations on the plan;
    - (ii) the character, amenities and the existing and future land uses in the area;
    - (iii) whether the approval of additional land for the use applied for would be premature by virtue of-
      - (a) there being sufficient land elsewhere with approval which is not yet developed for such use, or
      - (b) the proposal would not form an extension of an existing developed area;
    - (iv) The suitability of the access and capacity of roads to the site;
    - (v) The availability and capacity of mains water, electricity and telephone services, public sewerage and means for the separate disposal of storm water;
    - (vi) Circulars issued by the Department from time to time in pursuance of their duties under Section 5 of the 1934 Act.
  - b) The establishment and preservation of an attractive environment by the following means-
    - (i) the introduction of variety and interest into residential estate layouts by use of a range of densities and dwelling types, by designing contrasting spaces between buildings, and by making use of the unique physical characteristics of the site;

- (ii) the provision within residential estate layouts of sites for necessary ancillary facilities such as public open spaces, play areas, and pedestrian ways;
  - (iii) the inclusion within layouts of tree-planting and landscaping;
  - (iv) the sympathetic design of the external appearance of buildings and their appropriate quality and size;
  - (v) the selection of suitable building materials especially near old buildings of a Manx character and where the use of finishes of a traditional appearance might be appropriate;
  - (vi) the location of buildings including agricultural dwellings, in the countryside, out of sight of or as far away as is practicable from a public highway, and closely related to existing buildings or groups of mature trees, or both;
  - (vii) the avoidance of skyline development and the erection of buildings likely to obstruct the view of the sea or an exceptional view of the countryside from a public highway;
  - (viii) the use of dark-coloured roofing tiles or slates;
  - (ix) the avoidance of overhead services;
  - (x) the avoidance of external soil stacks in dwellings of more than one storey;
  - (xi) the regular maintenance of temporary materials and paintwork by the imposition of appropriate standards;
  - (xii) the avoidance of the outside storage of materials and goods unless adequately screened from a public highway;
  - (xiii) the preservation of existing buildings of architectural or historic interest;
  - (xiv) the provision of minimum standards of privacy.
  - (xv) reference to the recommendations contained in the Ecological Survey.
- c) The establishment of a safe and convenient environment by the following means-
- (i) the provision of adequate estate roads designed and made up to standard acceptable to the highway authority;

- (ii) the provision in estate layouts for extension to pedestrian ways, roads and services to the boundary with adjoining land to permit their extension;
- (iii) the completion or part completion of roads to a standard prescribed by the Department prior to the commencement of the erection of the buildings, if the Department so determines;
- (iv) the provision of a bond or other form of security acceptable to the Department for the satisfactory completion of any road works, street lighting, landscaping, or any foul or surface water sewerage, or to ensure compliance with any other condition laid down by the Department in relation to the approval of any development;
- (v) ensuring that the development of land does not inhibit public access along the coast, or to a glen, a stream, of similar attractive physical feature, and that access is facilitated by provision within the layout of a public footpath;
- (vi) the provision of adequate parking and garaging to ensure that all parking generated by the use of the land is accommodated off the highway (not necessarily within the curtilage of the site) in accordance with the following standards-
  - (a) dwellings- at least one and a half car parking spaces per dwelling behind the building line, and such spaces may include garages;
  - (b) offices- one parking space per three workers or one parking space per 50 square meters net office floor space, whichever is the more demanding
  - (c) retail shops, store and cafes- parking space to be provided off the highway for the loading and off-loading of commercial vehicles and parking space also to be provided for permanent staff, preferably at the rear of the premises; a service road or parking bay to be provided for the parking of customer's vehicles;
  - (d) industrial and other premises – parking spaces to be provided depending upon the particular circumstances of the development;
- (vii) the provision of paved footways, containing services, of not less than 1.8m in width;
- (viii) the separation of vehicular and pedestrian traffic where practicable;

- (ix) the location of light industries and warehousing near to principal traffic routes to avoid the passage of goods traffic through residential areas;
  - (x) the phasing and sequence of completion of developments;
  - (xi) the provision of adequate fire escapes and fire precautions necessary in buildings frequented by the public including hotels and buildings containing two or more dwellings;
  - (xii) the provision of standards to safeguard food hygiene in cafes, restaurants, hotels and shops;
  - (xiii) the provision of standards of health, welfare and safety in places of work;
  - (xiv) ensuring that where the site of development in a primarily agricultural area abuts a highway where livestock may be driven, such measures are taken by the developer as are necessary to prevent livestock from straying onto the site;
- d) The safeguarding of principal traffic routes by the following means –
- (i) the establishment of building lines permitting future road-widening which must, where practicable, be not less than 20 meters from the road as widened;
  - (ii) the provision of service roads to avoid the creation of individual pedestrian or vehicular accesses onto a principal traffic route;
  - (iii) the provision of means for the turning of vehicles within the curtilage of buildings to enable vehicles to enter the highway in a forward position;
  - (iv) the location of accesses at safe points with good visibility.
- e) The safeguarding of existing overhead high tension electricity lines by means of the maintenance of clearance corridors at least 18m wide centred on such overhead lines, and the preservation of means of access to such lines.
- f) The provision of other standards of development with respect to the following matters –
- (i) standards of dwellings
  - (ii) standards for permanent and tourist flats created by the conversion of existing premises;

- (iii) standards for camp sites
- (iv) standards for chalets and other holiday accommodation
- (v) standards for play schools
- (vi) standards for dry-cleaning establishments
- (vii) standards for sand and gravel pits and quarrying
- (viii) standards for the control of such other land uses and premises as the Department sees fit.



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### **Part 4 – Preservation of trees – NOW REVOKED BY THE INTRODUCTION OF THE TREE PRESERVATION ACT 1993**

**NB A copy of the Protected Trees Register is held by the Department**

#### **12. Registration of trees**

If at any time the Department, having regard to the amenity of any part of the area, is of the opinion that any tree or group of trees ought to be preserved, it may register the tree or group of trees for the purposes of this Article and shall thereupon notify the owner and occupier of the land upon which the tree or trees are growing that they have been registered, and of the provisions of Articles 13, 14, 15 and 16.

#### **13. Inspection of Register**

The register of trees made as aforesaid shall be open to inspection at all reasonable times at the office of the Department

#### **14. Prohibition of damage or destruction**

No person shall cut down, lop, top or wilfully destroy any tree or group of trees which has been registered except –

- a) in compliance with an obligation imposed by or under any Act of Tynwald; or
- b) where, in the opinion of the Department, the tree or trees become dangerous; or
- c) with the prior written consent of the Department.

#### **15) Cancellation of registration**

The Department may at any time cancel the registration of any tree or trees so registered as aforesaid and shall thereupon make the appropriate alteration in the register of trees and shall notify the owner and occupier of the land upon which the trees or trees are growing of the cancellation, and as from the date of such cancellation the provisions of Article 14 shall cease to apply to such tree or trees.

#### **16) Deemed registration**

For the purposes of the Scheme and this Provisional Order the trees in the areas shown on the Plan as “private woodland or parkland”, “low density housing parkland” and “public open spaces”, are deemed to be registered.





**Part 5 –Miscellaneous**

**17. Agreements by the Department**

The Department may enter into agreements consistent with the provisions of this Provisional Order in relation to any matters with which the scheme may deal

**17a Acquisition of land**

The Department may acquire compulsorily any land, which is required in order to secure development in accordance with the scheme.

**18. Register of decisions to be kept by the Department**

- 1) The Planning Committee shall cause to be kept a register, in a form approved by the Department, of all applications for planning approval and of the result of all proceedings in connection therewith, including initial decisions by the Planning Committee and the Special Planning Committee, and decisions on appeals to the Planning Appeals Tribunal and on the appeals under this Provisional Order to the Staff of Government Division.
- 2) The register mentioned in sub-paragraph (1) above, shall be open to inspection by members of the public at all reasonable times at the offices of the Department.

**19. Interested person may inspect Order or Plan**

The department shall permit any interested person to inspect at any reasonable time this Provisional Order and the duplicate of the Plan of the area as retained in the office of the Department.

**20. Right of entry by the Department's Officers**

- 1) Any duly authorised officer of the Department ( in this Article referred to as "an Authorised Officer") may, after giving not less than forty-eight hours' notice in writing to the person having custody of any premises within the area and on production of his authority, if required, enter any premises, at any reasonable time,

For the purpose of any inspection necessary for enforcing and carrying into effect any provision of the Scheme or Act.

- 2) An Authorised Officer to whom admission is refused may apply to a Justice after giving the person having custody of the premises reasonable notice of intention to make the application and the Justice

may be Order under his hand require that person to admit the Authorised Officer into the premises at any reasonable time.

- 3) If no person having such custody can be found, the Justice shall, on oath made before him of that fact, by Order under his hand authorise an Authorised Officer to enter into or upon the property at any reasonable time and any such Order made by a Justice shall continue in force until the purposes for which admittance was required have been fulfilled or executed.
- 4) Any person hindering or preventing an Authorised Officer of the Department from exercising the powers conferred by this Article shall be liable on summary conviction at the suit of the Department to a fine not exceeding £50.

## **21. Penalty for offences**

- 1) Any persons who –
  - a) Contravenes any of the provisions of this Provisional Order; or
  - b) Commences or carries on the development of any land in contravention of the provisions of this Provisional Order; or
  - c) Carries on the development of any land in contravention of the terms of any 'Stop Notice' issued in accordance with the provisions of paragraph 4 and Annex 3 of Schedule 2; or
  - d) Contravenes any condition specified in a planning approval; or
  - e) Wilfully makes a statement in any application for planning approval knowing it to be untrue or inaccurate or which he does not believe to be true;

shall be liable –

- (i) On conviction on information, to a fine;
  - (ii) On summary conviction to a fine not exceeding £2,000.
- 2) Where any person has been convicted of an offence under this Article, the Court may order that person to do all or any of the following –
  - a) To cease any development in respect of which he was so convicted;
  - b) To remove any building done or other works carried out in connection with that development;
  - c) To restore to it's original condition any land affected by any such development;
  - d) To do such other things in relation to any land as the Court may in the circumstances consider proper;

And, if that person fails on being so ordered to remove any such building or other works or to restore to its original condition any such land, or to do such other things in relation to any such land as the Court may have ordered, the Court may authorise the Department to remove the building or other works or to restore the land to its original condition or, as the case may be, to do such other things in relation to the land as the Court may have ordered and to recover the cost of the removal, restoration or such other works, as the case may be, summarily as a civil debt.

## **22. Default action**

- 1) Subject to the provisions of Article 9 and of this part the Department may at any time –
  - a) Remove, alter or demolish, so as to bring into conformity with any provision of the Scheme, any building or other work which does not conform to the said provision, or in the erection of which any such provision has not been complied with; or
  - b) Where any building or land is being used in such manner as to contravene any provision of the Scheme, prohibit it from being so used; or
  - c) where any land is being put to any use which contravenes any provision of the Scheme, reinstate the land; or
  - d) Execute any work which it is the duty of any person to execute under this Order in any case where delay in the execution of the work has occurred and the efficient operation of the Scheme has been or will be thereby prejudiced.
- 2) Before taking any action under this part the Department shall serve on the owner and the occupier of the building or land in respect of which the action is proposed to be taken and on any other person who, in its opinion, may be affected thereby, a notice specifying the nature of the action which it proposes to take and the grounds therefore.
- 3) The Department shall serve any notice for which provision is made by the last preceding sub-paragraph not less than twenty-eight days before it takes any action.
- 4) Where the Department, acting under the provisions of this Article,
  - a) Removes, alters or demolishes a building or other work; or
  - b) Reinstates any land; or
  - c) Executes any work;

Any expenses reasonably incurred by the department may be recovered summarily as a civil debt from the person in default.

**23. Appointment of Committees and Tribunal**

Except where Part I (special inquiries) of the 1981 Act applies, the provisions of Schedule 1 shall apply in relation to the determination of applications for planning approval.

**24. Submission of planning applications and stop notices**

The provisions of Schedule 2 shall apply in relation to

- a) Applications
- b) Stop notices

**25. Revocations**

The Town and Country Planning (General Interim Development) Orders 1974 and 1977 a) and Town and Country Planning (Interim Development) Regulations 1975 and 1977, b) are hereby revoked but any application made, or other thing done, under those Orders or those Regulations, as the case may be, shall, with any necessary modifications, be deemed to be made or done under Schedule 1 or Schedule 2, as the case may be.



## SCHEDULE 1

### Planning Procedures

#### 1. Interpretation

1) In this Schedule –

“**Approval in principle**” means planning approval to development of land consisting of the erection of a building or buildings which is granted subject to a condition reserving for subsequent approval by the Department matters of siting, design, external appearance, internal layout, means of access or landscaping not particularised in the application;

“**The Minister**” means the Minister for Local Government and the Environment;

“**The Planning Committee**” means the committee constituted under paragraph 2;

“**Public body**” means a Department, Statutory Board or Local Authority or the Manx Museum and National Trust;

“**Reserved matter**” means a matter of siting, design, external appearance, internal layout, means of access or landscaping reserved for subsequent approval by the Department on the grant of an approval in principle.

2) For the purposes of this schedule, an application for planning approval shall be treated as finally disposed of when it has been granted or refused, any review in relation thereto has been completed or the time for requesting a review has expired, and any appeal in relation thereto has been determined or the time for appealing has expired.

#### 2. Planning Committee

1) The Department shall appoint a committee, to be called “The Planning Committee”, to exercise on behalf of the Department the functions specified in the Schedule.

2) Subject to sub-paragraphs (3) and (4), the Planning Committee shall consist of –

a) One or more members of the Department, other than the Minister, and

- b) One or more other persons, not being members of Tynwald who shall be appointed by the Department.
- 3) No person shall act as a member of the Planning Committee in relation to any matter in which he has personal interest.
- 4) The Department shall from time to time appoint persons to act in the place of any persons who are disqualified for acting under subparagraph (3) or who are through sickness or absence or otherwise unable to act.
- 5) The Department may make standing orders with respect to the proceedings of the Planning Committee.
- 6) This paragraph is without prejudice to the powers of the Department –
  - a) To delegate any function, other than a function under this Schedule, to the Planning Committee; or
  - b) To delegate any function under this Schedule to a person other than the Planning Committee;

and where any function under this Schedule stands delegated to any person other than the Planning Committee, any relevant reference in this Schedule to the Planning Committee shall be construed as a reference to that person.

### **3. Applications for planning approval**

- 1) An application to the Department for planning approval shall be made on a form to be supplied by the Department, and shall include such particulars, and be accompanied by such plans and drawings, as the Department may (either generally or in the particular case) direct.
- 2) The Planning Committee may decline to consider an application in any case where it considers that the application is substantially the same as an application, which has been refused at any time in the previous 5 years.

### **4. Notice of application**

- 1) Unless –
  - a) The Planning Committee otherwise directs on the grounds that the case is of a minor or routine nature, or
  - b) The Planning Committee declines to consider the application under paragraph 3(2),

The Department shall publish particulars of the application in at least one newspaper published and circulating in the Island, and may give such other notice as the Planning Committee may direct.

- 2) A notice under this paragraph shall state that any person who considers that he may be adversely affected by a determination of the application may make objections or representations in writing with respect to the application to the Planning Committee before such date (not being earlier than the date on which the notice is first published) as may be specified in the notice.

## **5. Initial decision**

- 1) Except where a previous application relating to the same matter has not been finally disposed of or the Planning Committee declines to consider the application under paragraph 3(2), the Planning Committee shall make an initial decision on every application for planning approval within 8 weeks of –
  - a) The date on which the application is received, or
  - b) Where the Department has directed under paragraph 3(1) that further particulars or other matters be furnished, the date on which the applicant complies with the direction.
- 2) Where the Department has directed under paragraph 3(1), that further particulars or other matters be furnished and the applicant fails to comply with the direction within such time (not being less than 21 days) as may be specified therein, the application shall be deemed to have been withdrawn.
- 3) If the Planning Committee fails to comply with sub-paragraph (1), the applicant may, at any time after the expiration of the said period of 8 weeks, give written notice to the Department requiring the Committee to determine the application within 14 days of the date of service of notice, and if the Planning Committee fails to do so the application shall be deemed to have been refused on the expiration of the said period of 14 days.
- 4) As soon as possible after the determination by the Planning Committee of an application for planning approval, the Department shall give notice in writing of the decision to the applicant and to every person who has made objections or representations in accordance with a notice under paragraph 4 with respect to the application; but no such notice shall be given in the case of a deemed refusal under sub-paragraph (3).
- 5) A notice under sub-paragraph (4) shall –
  - a) state that the person on whom it is served may in accordance with paragraph 6(1) request the Planning Committee to review its decision; and
  - b) in the case of a refusal of the application, state the reasons for the decision.

- 6) A decision under this paragraph shall not have effect until the application is finally disposed of.

**6. Review of decisions**

- 1) Any of the following persons –
- a) the applicant for planning approval
  - b) the owner and the occupier of any land the subject of the application
  - c) the Local Authority in whose district the said land is situated; and
  - d) any person who made objections or representations in accordance with a notice under paragraph 4 with respect to the application,

may within 21 days service of a notice under paragraph 5(4) by notice in writing to the Department request the Planning Committee to review its decision.

- 2) The Planning Committee shall refuse a request under sub-paragraph (1) –
- a) if it appears to the Committee that the person by whom it is made (not being a public body or a person mentioned in sub-paragraph (1)(a) or (b) has no interest, or no sufficient interest, in the subject matter of the decision; or
  - b) Where the application is refused on the ground that any direction under paragraph 3(1) has not been complied with.
- 3) On receipt of a request under sub-paragraph (1), the Planning Committee shall, except where the request is refused in accordance with sub-paragraph (2), give notice in writing to every person mentioned in sub-paragraph (1), other than a person (not being a public body or a person mentioned in sub-paragraph (1) (a) or (b)) appearing to the Planning Committee to have no interest, or no sufficient interest, in the subject matter of the decision, -
- a) that they intend to review their decision after the expiration of a period of 21 days beginning with the date of service of the notice, and
  - b) Inviting the person on whom it is served to make representations in writing to the Department with respect to the decision before the expiration of that period;

and may give such a notice to any other person whom the Planning Committee may consider appropriate.



- 4) Any person on whom a notice under sub-paragraph (3) is served may before the expiry of the period mentioned in sub-paragraph (3)(a) request the Planning Committee to give him an opportunity of appearing before the Planning Committee; and if the Planning Committee determines to accede to the request the Department shall inform every person on whom such notice is served of the time and place at which he may appear before the Planning Committee and make oral representations and call and examine witnesses with respect to the decision.
- 5) As soon as possible after the Planning Committee has reviewed its decision, the Department shall give notice in writing of the decision taken on that review to the applicant and to every other person to whom notice was given in accordance with sub-paragraph (3).
- 6) A notice under sub-paragraph (5) shall state that the person on whom it is served may in accordance with paragraph 7(1) appeal to the Minister.
- 7) A decision under this paragraph shall not have effect until the application is finally disposed of.

## **7. Appeal to the Minister**

- 1) Any person to whom a notice under paragraph 6(5) is given, with respect to the application, may, within 21 days of service of that notice on him, by notice in writing to the Department appeal to the Minister against the decision taken under paragraph 6.
- 2) Where an application for planning approval is deemed to be refused under paragraph 5(3), the applicant may, within 21 days of the expiration of the period of 14 days referred to in paragraph 5(3), by notice in writing to the Department appeal to the Minister against that refusal.
- 3) An appeal under sub-paragraph (1) or (2) shall be referred to a person appointed for the purpose by the Governor in Council, and the person so appointed shall –
  - a) Consider the application, and any written objections or representations made with respect thereto pursuant to a notice under paragraph 4 or 6(3)(b);
  - b) Invite the Department to make written representations to him with respect to the application;
  - c) Invite the Appellant and any other person to whom a notice under paragraph 6(5) is given to make further written objections or representations to him with respect to the application.

- d) Give to the Department, the Appellant and any other such person an opportunity to appear before him and to make oral representations to him and call and examine witnesses; and
  - e) Make a report in writing to the Minister, which shall include his recommendations.
- 4) The Minister shall consider the report of the appointed person, and may allow or dismiss the appeal, or may reverse or vary any part of the decision of the Planning Committee whether the appeal relates to that part or not.
  - 5) As soon as possible after the determination by the Minister of an appeal under sub-paragraph (1) or (2), the Department shall give notice in writing of his decision to the persons mentioned in sub-paragraph (3)(c) , and such notice –
    - a) Shall be accompanied by a copy of the report of the appointed person made under sub-paragraph (3)(e); and
    - b) If and to the extent that the decision does not follow the recommendations of the appointed person, shall state the reasons for the decision.

#### **8. Applications by the Department**

- 1) Paragraphs 5, 6 and 7 shall not apply to an application by the Department for planning approval.
- 2) An application by the Department for planning approval shall be referred to a person appointed for the purpose by the Governor in Council, and the so appointed shall –
  - a) Consider the application, and any written objections or representations made with respect thereto pursuant to a notice under paragraph 4;
  - b) Invite the Department to make written representations to him with respect to the application;
  - c) Invite any person who made any objections or representations with respect to the application pursuant to a notice under paragraph 4, not being a person (other than a public body) appearing to him to have no interest, or no sufficient interest, in the application, to make further written representations or objections to him with respect thereto;
  - d) Give to the Department, and to any person referred to in (c) above, an opportunity to appear before him and to make oral representation to him and call and examine witnesses; and
  - e) Make a report in writing to the Governor in council, which shall include his recommendations.

- 3) As soon as possible after the determination by the Governor in Council of an application under this paragraph, the Government Secretary shall give notice in writing of the decision of the Governor in Council to the persons mentioned in sub-paragraph (2)(b) and (c), and such notice –
  - a) Shall be accompanied by a copy of the report of the appointed person made under sub-paragraph (2) (e); and
  - b) If and to the extent that the decision does not follow the recommendations of the appointed person, shall state the reasons for the decision.

## **9 Approval of reserved matters**

The provisions of this Schedule apply with any necessary modifications to applications for the approval of reserved matters as they apply to applications for planning approval.

## **10. Transmission of land**

- 1) Where an applicant for planning approval is the owner of an interest in the land to which the application relates, and that interest becomes vested in another person (whether by operation of law or otherwise), that other person may with the leave of the Department be treated as the applicant.
- 2) Except so far as the approval otherwise provides, every planning approval shall ensure for the benefit of the land to which it relates and of all persons for the time being interested therein.

## **11. Duration of planning approval.**

- 1) Subject to Article 6 and to subparagraphs (2) and (3), a planning approval shall have effect for such period as may be specified therein.
- 2) Any person interested in the land to which a planning approval relates may, before the expiration of the period specified in sub-paragraph (1), apply in writing to the Department for the extension of that period, and the Department may (subject to sub-paragraph (3)) extend that period by such further period as specified in the application or such lesser period as the Department may determine.
- 3) No planning approval shall have effect for more than 4 years unless the department is satisfied that there are special circumstances justifying a longer period.

## **12. Variation of planning approval.**

- 1) The Department, on an application by any person interested in land to which planning approval relates or on whose application the approval

was granted, and after consulting such persons as they think appropriate, may vary the terms of the approval.

- a) As respects any matter of siting, design, external appearance, internal layout, means of access or landscaping;
  - b) By varying the total floor area of any building the subject of approval by not more than 10 per cent.
- 2) Any variation made under this paragraph shall be treated as having taken effect at the same time as the original approval.



## SCHEDULE 2

### STOP NOTICES

Annex 3 to this Schedule shall have effect in relation to stop notices and to the other matters specified in that Annex.

### ANNEX 3

1. The Department may serve a notice (in this Order referred to as a "stop notice") prohibiting any person on whom the stop notice is served from carrying out or continuing any specified operations on the land, being operations either alleged to constitute a breach of planning control or so closely associated therewith as to constitute substantially the same operations.
2. The operations, which may be the subject of a stop notice, shall include the deposit of refuse or waste materials on land where that is a breach of planning control.
3. A stop notice may be served by the Department on any person who appears to it to have an interest in the land or to be concerned with the carrying out or continuance of any operations thereon.
4. A stop notice shall –
  - a) Specify the date (not being earlier than three nor later than fourteen days from the day on which the notice is first served on any person) when it is to take effect; and
  - b) In relation to any person served with it, have effect as from that date or the third day after the date of service on him, whichever is the later.
5. The Department may at any time withdraw a stop notice (without prejudice to its powers to serve another) by serving notice to that effect on every person who was served with the stop notice; and the stop notice shall cease to have effect as from the date of service of the notice under this paragraph.
6. Where a person (in this paragraph called "the Contractor") is under contract to another person (in this paragraph called "the Developer") to carry out any operations on land and –
  - a) A Stop Notice takes effect (whether in relation to the Developer or the Contractor, or both) prohibiting the carrying out or continuance of those operations; and
  - b) The operations are countermanded or discontinued by the Contractor accordingly,

Then, unless and in so far as the contract makes provision explicitly to the contrary of this paragraph, the Developer shall be under the same liability in contract as if the operations had been countermanded or discontinued on instructions given by him in breach of the contract.

7. In this Annex "breach of planning control" means the carrying out, whether before or after the coming into force of this Order, of development of any land without having first obtained the approval of the Department, or in contravention of the terms of any condition of any planning approval granted in respect of any such development or of any of the conditions specified in parts 1,2 and 3 of Annex 1 to this Schedule as the case may require.

