



# Department of Environment, Food and Agriculture Standing Order No. 2021/04

## Standing Orders (Planning Committee)

The Department of Environment, Food and Agriculture makes these Standing Orders under Article 22 of the Planning Committee (Constitution) Order 2019<sup>1</sup>

### 1 Application, commencement and interpretation

- (1) These Standing Orders apply to the Planning Committee as established by the Planning Committee Constitution Order 2019.
- (2) These Standing Orders shall come into operation on the date they are signed.
- (3) In these Standing Orders—

**"Act"** means the Town and Country Planning Act 1999;

**"Committee"** means the Planning Committee mentioned in (1) above;

**"Department"** means the Department of Environment, Food and Agriculture;

**"Directorate"** means the Planning and Building Control Directorate of the Department;

**"Interested Person Status"** has the same meaning as defined in the relevant Development Procedure Order or Regulations

**"Minister"** means the Minister for Environment, Food and Agriculture; and

**"Planning Officer"** includes any officer who is making a recommendation to the Committee in accordance with Article 3 of this order and/or any officer who has any delegated powers relating to the Town and Country Planning Act (1999).

- (4) In these standing orders —
  - (a) a reference to "verbal", "verbally", "address", "speak" and "speaking" includes through electronic means;
  - (b) a reference to "meeting" includes —
    - (i) meeting in such a way; and
    - (ii) a meeting which is conducted in such a way, that those who are not present together at the same place may by electronic means participate in it; and
  - (c) a reference to "attending", with regard to a meeting, includes participation in that meeting by electronic means.

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<sup>1</sup> 2019/0464

## **2 The conditions and circumstances regulating the determination of applications by the Planning Committee**

- (1) Those applications falling within the following categories are to be considered by the Planning Committee except in the circumstance where the application is similar in nature to a previously approved application to which there are no more than relatively minor differences –
  - (a) where the officer's recommendation is contrary to written submissions of members of the public that have been received by the planning officer where the level of such views is substantial - see paragraphs (2) and (3);
  - (b) where the officer is recommending approval and the Local Authority has made written representations objecting to the application on valid planning grounds, save for householder applications – see paragraph (4);
  - (c) where it is recommended that an agreement under section 13 of the Act should be entered into;
  - (d) where an application recommended for approval is contrary to the provisions of the Development Plan;
  - (e) where an application for an extension to a dwelling or for a replacement dwelling in the countryside would result in an increase of floor area (measured externally and excluding any attic space or outbuildings) of more than 50% and is recommended for approval;
  - (f) where an application would result in a development of 8 or more residential units;
  - (g) where an application for development would create additional new floorspace of 500 square metres or more, unless it lies within an area allocated for that purpose;
  - (h) where an application relates to property owned by the Minister, Departmental Member or the Chief Executive of the Department or an employee of the Planning and Building Control Directorate or the Planning Policy section of the Cabinet Office or by a close relative of those persons;
  - (i) where an application which is subject to an objection from the Minister, Departmental Member or the Chief Executive of the Department or an employee of the Planning and Building Control Directorate or the Planning Policy section of the Cabinet Office or by a close relative of those persons;
  - (j) if an application is required to be accompanied by a formal Environmental Statement;
  - (k) if a member of the Committee (including the chair) has requested the application be referred to the Committee for a decision in accordance with the procedure set out in paragraph (5); or
  - (l) where the Director of Planning and Building Control, the Head of Development Management or a Principal Planning Officer considers that the proposal ought to be determined by the Committee.
- (2) For the purposes of paragraph (1)(a) the level of views is to be treated as substantial where paragraph (a) or (b) below apply - but see paragraph (3) -
  - (a) the Department has received 5 or more representations objecting to the application; or

- (b) the Department has received 3 or more representations objecting to the application where these representations have been made by people who are recommended to be afforded Interested Person Status.
- (3) For the purposes of paragraph (2) objections need to be individually written correspondence from the owner/occupiers of different properties and not multiple copies of one letter or a single petition.
- (4) For the purposes of paragraph (1)(b) householder applications are defined within the fee order and are those which relate to the extension or improvement to a single dwelling house.
- (5) The procedure mentioned in paragraph (1)(k) is as follows—
  - (a) each week all members of the Committee shall receive notification (by email) of the applications registered by the Directorate;
  - (b) any member of the Committee may request the Committee Secretary (or Deputy Secretary) that a particular application should be referred to the Committee; and
  - (c) a request referred to in paragraph (b) must be made in writing (which may be by email), set out the reason for the request (which must relate to valid planning grounds) and be made prior to the application being determined.

### **3 Consideration of Planning Applications**

- (1) An agenda for each Planning Committee meeting must be made publically available at least 2 working days prior to the meeting and include a list of the applications to be considered at the meeting and, for each application, an officer's report which includes the information set out in paragraph (2).
- (2) The Committee must not consider an application for planning approval or consent unless the planning officer's report includes –
  - (a) a description of the proposed development;
  - (b) an analysis of the proposed development, relevant policies and impact(s), prepared by the planning officer;
  - (c) a summary of representations made; and
  - (d) a recommendations by a planning officer whether to -
    - i. approve the application, including the reasons for such approval, details of what conditions to impose, the reasons, why such conditions are required and whether an agreement made under section 13 of the Act is necessary, as appropriate; or
    - ii. refuse the application, including the reasons for such refusal; and
  - (e) a recommendation by a planning officer about which parties should have Interested Person Status.
- (3) The Committee may resolve to defer consideration of an application for planning approval or consent to a future meeting. Such deferral may include

circumstances where a site visit is to take place.

- (4) In dealing with all planning applications the Committee must only have regard to the matters to which the decision maker is required to have regard to under the Act, as summarised below -
  - (a) section 10(4) (For planning applications regard shall be had to the Development Plan, National Policy Directives, Planning Policy Statements, other matters as specified in an order and all other material considerations);
  - (b) section 16(3) (For Registered Building applications regard shall be had to the desirability of the building or its setting or any features of special architectural or historic interest which it possess);
  - (c) section 18(4) (Proposals in a Conservation Area regard shall be had to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in the area); and
  - (d) section 22(1) (the interests of amenity and public safety with regard to the display of adverts).
- (5) If the Committee does not accept a recommendation of the planning officer, it must—
  - (a) if it refuses the application, specify its reasons for refusal;
  - (b) if it approves the application, give reasons for the approval and details of the conditions to be imposed, the reasons why conditions are required and whether an agreement made under section 13 of the Act is necessary, as appropriate; or
  - (c) if it approves the application in accordance with the recommendation but decides to impose different conditions, or to differ in whether there is a requirement for an agreement made under section 13 of the Act, to specify its reasons for taking that course of action and to give details of the conditions to be imposed, the reasons why such conditions are required and whether an agreement made under section 13 of the Act is necessary, as appropriate.
- (6) An Officer of the Department must ensure the Committee's decision is recorded in the minutes of the meeting.

#### **4 Officers**

- (1) Each planning application may be accompanied by a verbal presentation to the Committee (which may include visual aids) by a Planning Officer who may outline such information as they feel is necessary, which may include confirmation of any changes which have taken place since the Agenda was published (for example the receipt of additional representations and the content of such representations) and whether they would suggest that the Committee defer the determination in order to carry out a site visit.
- (2) If, in light of information received since the Agenda was received or the discussion during the meeting, the Planning Officer who presented an application is so

minded, they may verbally amend their recommendation to the Committee and the recommendation as so amended shall form the basis for the procedures as set out in Article (3).

- (3) Any Planning Officer present at the meeting may offer further advice to the Committee, including answering questions from the Committee Members.
- (4) Officers acting on behalf of the Department (who are not Planning Officers), may address the Committee at the discretion of the Chair.
- (5) Officers acting on behalf of other Government Departments, Manx Utilities or Manx National Heritage (where they are not the applicant or landowner) may address the Committee at the discretion of the Chair.
- (6) Notwithstanding the provisions of paragraph (5), Officers acting on behalf of other Government Departments, Manx Utilities or Manx National Heritage (including where the Government Department, Manx Utilities or Manx National Heritage is the applicant or landowner) may address the Committee where they have complied with the procedures set out in Article (5) and where they address the Committee in accordance with that Article.
- (7) Notwithstanding the provisions of paragraphs (5) and (6), any Officer who is acting on behalf of the Department of Infrastructure may, at the discretion of the Chair, address the Committee to provide professional advice on highways matters.

## **5 Public Speaking**

### Registration

- (1) Members of the public (including local authority representatives, applicants and agents) attending a meeting of the Committee may address the Committee on a planning application only in the circumstances where -
  - (a) the person has registered a request to speak on the planning application in accordance with the Department's published guidance; and
  - (b) the person has previously made written comments on the planning application which is the subject of the registration in sub-paragraph (a) above.

### Speaking on behalf of a person registered to speak

- (2) Any person registered to speak may elect a representative to do so on their behalf.

### Procedures for speaking

- (3) The procedures for public speaking will be as set out below.
  - (a) Any person (including a local authority, objector, supporter and applicant and/or agent) who is registered to speak will be allocated a maximum of one three-minute time slot and Local Authority representatives may only speak as either the Local Authority or, where relevant, as the applicant.

- (b) Preference will be given to the applicant and/or agent, if applicable, in respect of any person speaking in support of a planning application.
- (c) Subject to the provisions of paragraph (a) and (b), if there are multiple requests to speak either in support of or in objection to a planning application, those persons can appoint one or a number of speakers to speak on their behalf and will be accordingly allocated a maximum of one three-minute time slot to speak on the application.
- (d) The Chair may stop the address if the speaker goes over the allocated three minutes and/or if the speaker discusses non-planning matters.
- (e) If a person who is registered to speak does not appear before the Committee, the Chair may at their discretion reallocate the time to another speaker who has previously registered to speak.
- (f) Speakers who are not the applicant or agent cannot circulate or make reference to documents, photographs or other information at the Committee meeting unless they have been received as part of a duly made representation. Speakers who are the applicant or agent may only make reference to documentation which has been submitted as part of their application. Any Speakers may give a transcript or note of their intended speech to the Secretary of the Committee, to aid minute taking, but such documentation will not, in itself, be considered by the Committee unless a meeting is held by electronic means and the Speaker cannot be heard by all the Committee due to a failure of those electronic means.
- (g) Speakers can only speak about the merits of the planning application proposal upon which they have registered an interest to speak.
- (h) Speakers cannot speak about enforcement matters or items not on the agenda.
- (i) In addition to the three minute slot as set out in paragraph (a) registered speakers may respond to questions from the Committee to provide factual clarification of any matter relevant to the planning application.
- (j) Further detail may be set out in the Department's published guidance.

## **6 Site Visits**

### Purpose of a site visit

- (1) The Committee may undertake a site visit to -
  - (a) enable its members to gain a better understanding of the context of the development and the application site;
  - (b) provide a greater understanding and awareness of the surrounding land and building(s); and
  - (c) clarify any issues and/or objections which may have been raised.

### Request to defer a planning application to allow a site visit

- (2) If a Committee member requests that the determination of an application is deferred pending the undertaking of a site visit, that request must be seconded and recorded in the minutes together with reasons for the decision and the time and date of the site visit.
- (3) If the site visit is to take place prior to the publication of the minutes, the

Department must take steps to publish the date and time of the site visit.

- (4) Site visits that result in the deferral of an application must be undertaken only in the circumstances where——
  - (a) the impact of the development is difficult to visualise;
  - (b) the comments of the applicant or objectors cannot be adequately expressed in writing or through the medium of photographs; or
  - (c) there are other justifiable reasons why a site visit is necessary.
- (5) Any Committee member who cannot attend the site visit may abstain from voting in accordance with Article 18 of the Planning Committee (Constitution) Order 2019.

#### Site visit attendees

- (6) The Committee must conduct the site visit in the presence of a Planning Officer, or someone entitled to act as a Planning Officer.
- (7) The following parties may attend a site visit, subject to paragraph (8):
  - (a) Members of the Planning Committee;
  - (b) the applicant and/or agent (or other person acting on their behalf);
  - (c) the landowner (or other person acting on their behalf);
  - (d) anyone who has made representations in relation to the application (or other person acting on their behalf); and
  - (e) any officer who may address the Committee under article 4 (including the officer attending in accordance with paragraph (6) above).
- (8) For the avoidance of doubt, unless access is authorised under the Act, paragraph (7) does not entitle anyone to enter land or property which they do not own or occupy without the permission of the owner or occupier.

#### Procedures at a site visit

- (9) The site visit proceedings shall be conducted as follows——
  - a) The Chair of the Committee, if present, shall preside at the site visit, and in their absence, a member of the Committee chosen by the members present shall preside;
  - (b) the Chair may request, if appropriate, the officer attending in accordance with paragraph (6) to provide a summary of the proposal and to display the application plans or drawings;
  - (c) the Chair may invite, if appropriate, any officer attending in accordance with paragraph (7) to provide factual clarification of any matter relevant to the planning application which is the subject of the site visit which may include but is not limited to:
    - (i) the distance of the proposed building from the site boundary;
    - (ii) the land use designation of the application site; and
    - (iii) if any planning application or planning approval has effect on any adjacent site or land.

- (d) at the discretion of the person presiding over the site visit, the applicant and/or agent or any third party may address the Committee but only to provide factual clarification of any matter relevant to the planning application which is the subject of the site visit;
- (e) the members must not discuss the merits of the application, make any determination or make any comment capable of being perceived as a comment on the appropriateness of the proposal during the site visit (such comments should be made when the item of business is brought back to the Committee meeting for consideration).

## **7 Revocation of earlier standing orders**

These Standing Orders revoke those numbered 2020/03 dated 24 June 2020.

Made: 28 January 2021

**Hon. G Boot, MHK**  
**Minister for Environment, Food and Agriculture**