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TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT) (GOVERNMENT OWNED LAND) ORDER 2012

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Statutory Document No. 0692/2012

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Town and Country Planning Act 1999

TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT) (GOVERNMENT OWNED LAND) ORDER 2012

Approved by Tynwald: 11 December 2012
Coming into Operation: 1 January 2013

The Department of Infrastructure makes the following Order under section 8(1),(2)(a),(3)(b),(4) and (5) of the Town and Country Planning Act 1999.

1 Title

This Order is the Town and Country Planning (Permitted Development) (Government Owned Land) Order 2012.

2 Commencement

If approved by Tynwald¹ this Order comes into operation on 1 January 2013.

3 Interpretation

In this Order —

“**Department**” means the Department of Infrastructure; and

“**highway**” means a highway maintainable at the public expense within the meaning of section 3 of the Highways Act 1986, and includes any part of a highway.

4 Planning approval for certain development

- (1) Planning approval is granted for certain classes of development on the Government owned land shown on the maps in Schedules 1 to 5 which are attached to this Order.
- (2) Such development is subject to exemptions, limitations and conditions specified in the relevant Schedules.

¹ As required by section 44(1) of the Act

- (3) Paragraphs (1) and (2) do not apply to an operation which —
- (a) falls within any operation specified in the relevant Schedule;
 - (b) contravenes any condition lawfully imposed on the grant of planning approval for the development of land;
 - (c) requires or involves the formation, laying out or material widening of a means of access to an existing highway used by vehicular traffic; or
 - (d) creates an obstruction to the view of any such highway so as to cause danger to such persons.

5 Directions that approval shall not apply

- (1) If the Department is satisfied that any operations specified in Schedules 1 to 5 should not be carried out in any particular area without planning approval granted pursuant to an application for the purpose, the Department may by an instrument in writing direct that article 4 shall not apply to such operations in any such area as may be specified in the direction.
- (2) The Department —
- (a) must give notice of any direction under paragraph (1) in 1 or more newspapers published and circulating in the Island;
 - (b) may give such other notice of the direction as it thinks fit; and
 - (c) must make a copy of the direction available for inspection at all reasonable times at the principal office of the Department.

MADE 9 NOVEMBER 2012

D C CRETNEY
Minister for Infrastructure

SCHEDULE 1

[Article 4]

DOUGLAS OUTER HARBOUR

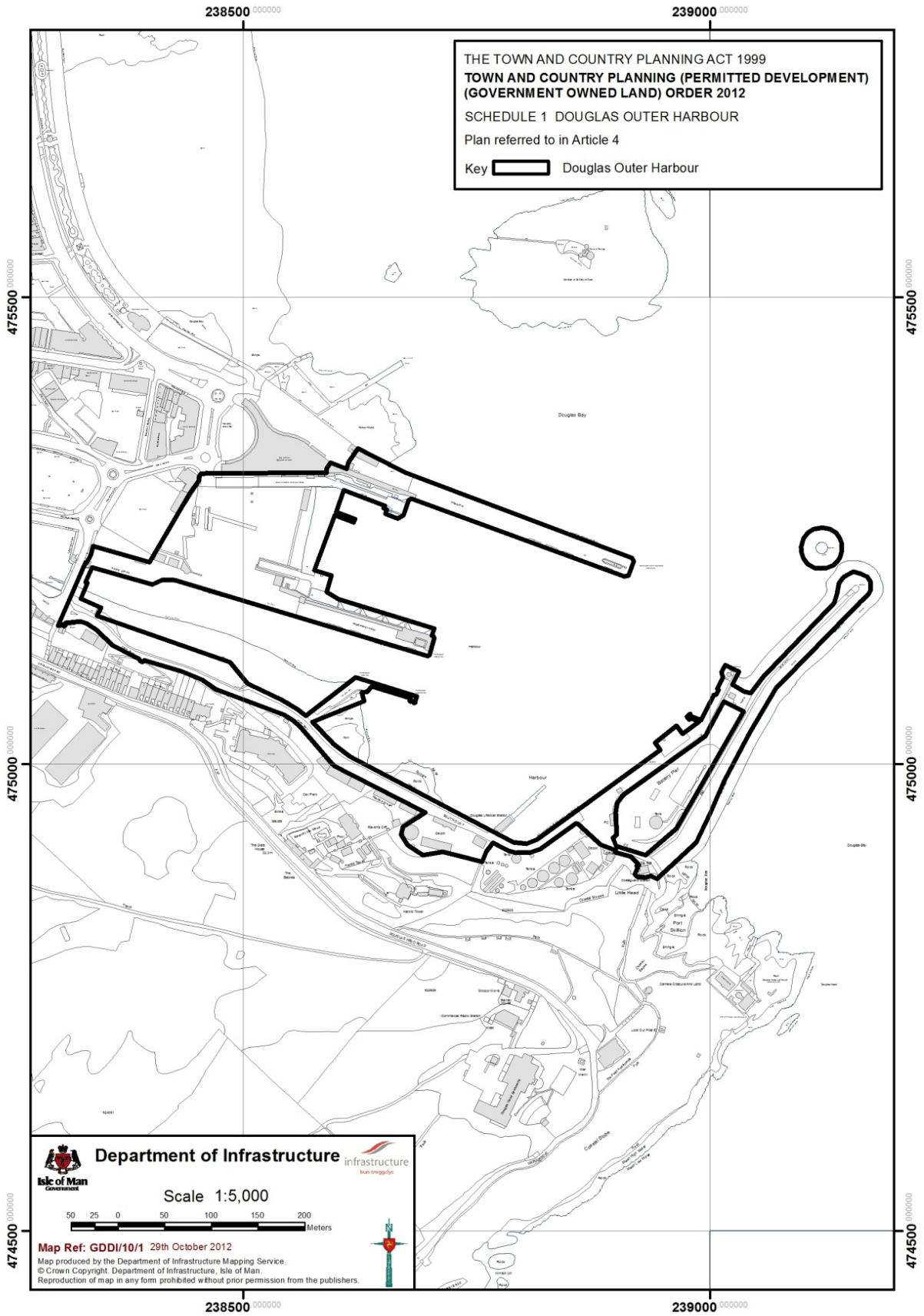
1 Permitted development

Operations within the area shown by a thick black line on the map attached to this Schedule consisting of the following classes of development –

- (a) the erection of fencing;
- (b) the construction of buildings not exceeding 29 cubic metres in capacity;
- (c) the erection of lighting columns;
- (d) the installation of machinery;
- (e) the repair, reinforcement or modification of a quay, pier or other installation; and
- (f) the general alteration of fendering, bollards or ladders.

2 Conditions

The operations must be carried out on behalf of, or by the Department and be for purposes incidental to the use of the site as a harbour.



SCHEDULE 2

[Article 4]

ISLE OF MAN PRISON, JURBY

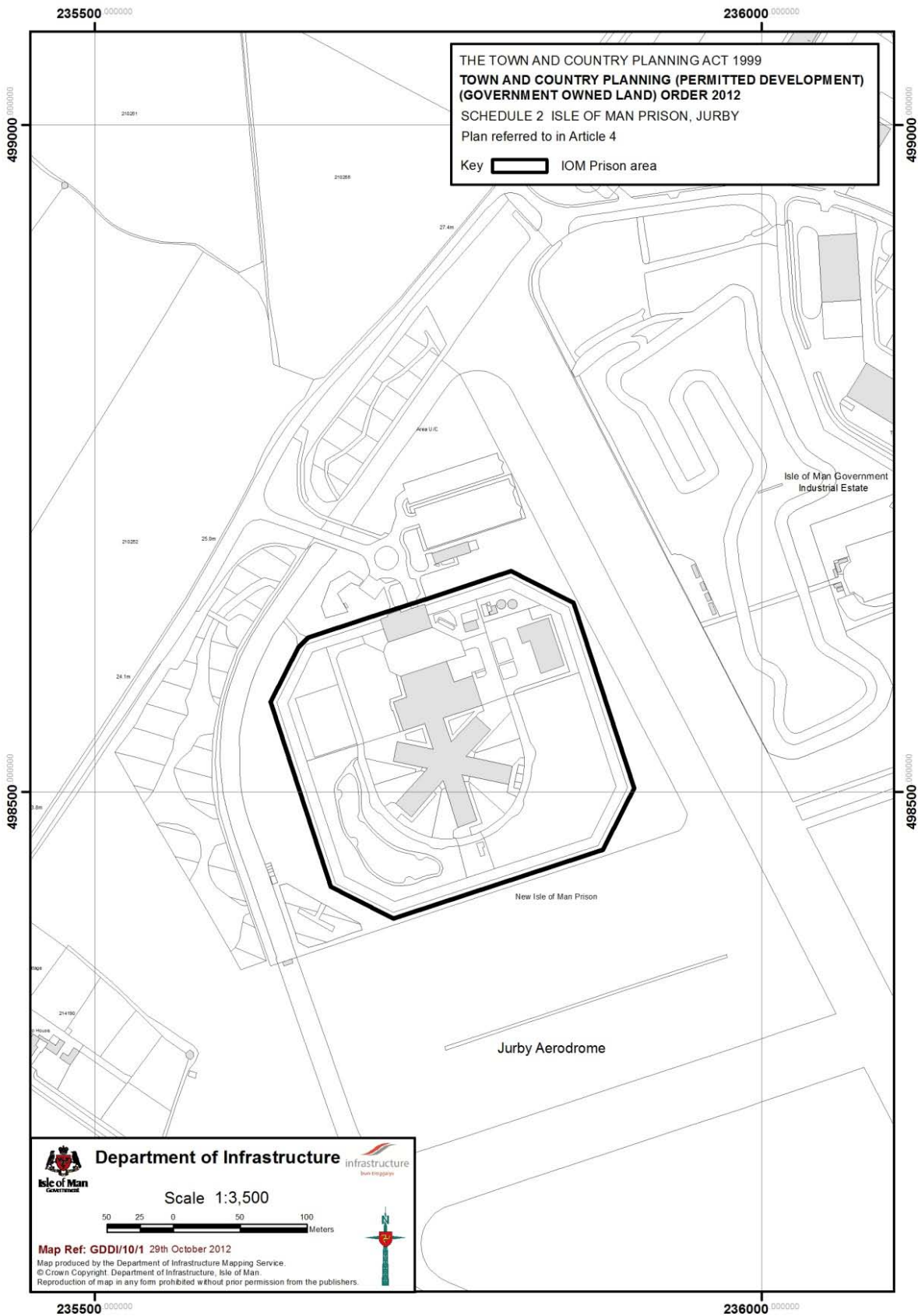
1 Permitted development

Operations within the area shown by a thick black line on the map attached to this Schedule consisting of the following classes of development –

- (a) the erection of buildings;
- (b) the enlargement or alteration of existing buildings; and
- (c) the construction of roads, footpaths, car parks, or other paved areas.

2 Conditions

- (1) The operations must be carried out on behalf of, or by the Department of Home Affairs, and be for purposes incidental to the use of the site as a prison;
- (2) Any new building or enlarged building must be no higher than the highest point of any existing buildings.



SCHEDULE 3

[Article 4]

CURRAGHS WILDLIFE PARK

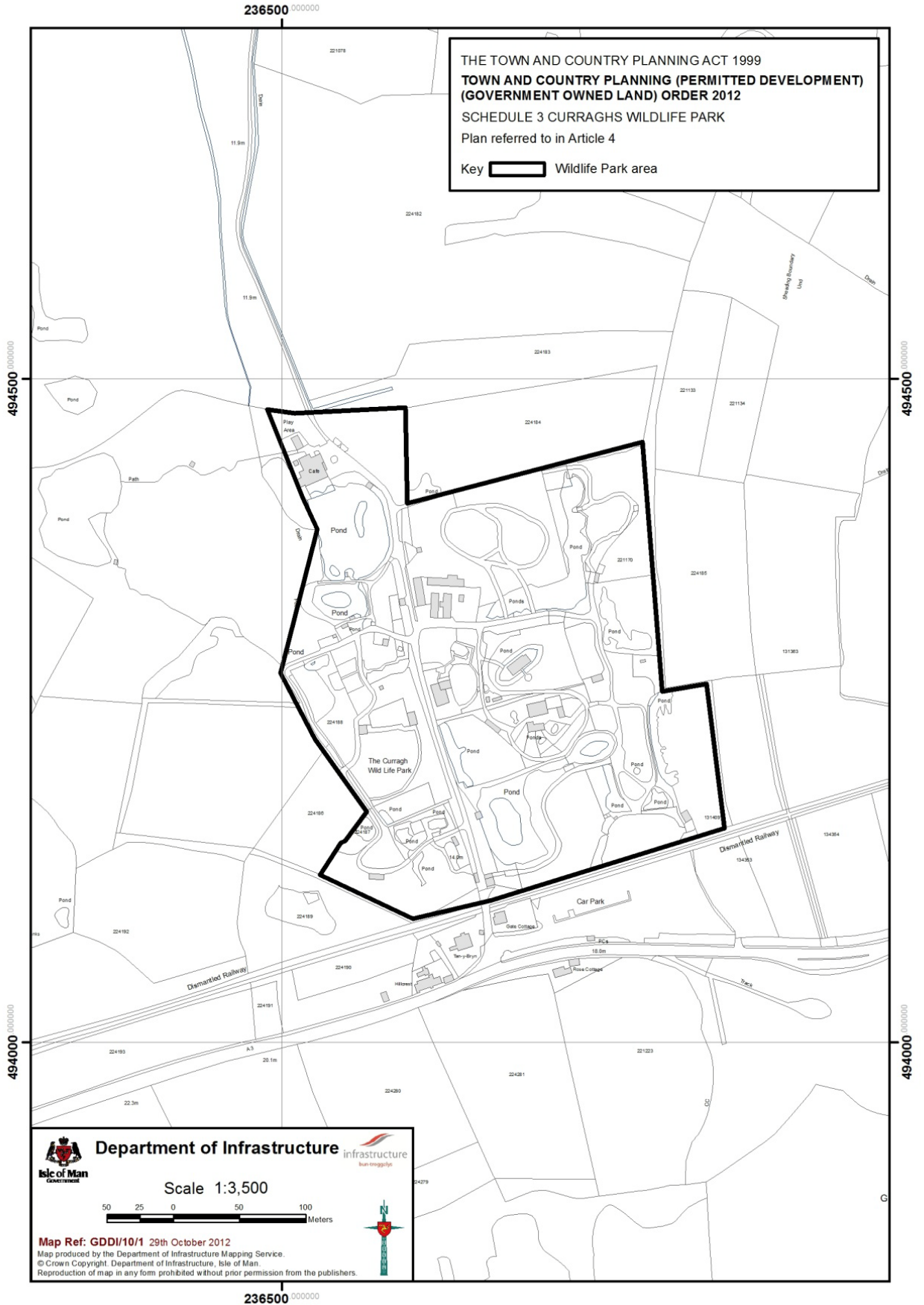
1 Permitted development

Operations within the area shown by a thick black line on the map attached to this Schedule consisting of the following classes of development —

- (a) the erection or alteration of fencing;
- (b) the erection of buildings
- (c) the enlargement or other alteration of existing buildings;
- (d) the construction of roads, footpaths, car parks, or other paved areas; and
- (e) the erection of signage.

2 Conditions

- (1) The operations must be carried out on behalf of, or by the Department of Community, Culture and Leisure, and be for purposes incidental to the use of the site as a Wildlife Park;
- (2) Prior to commencement of any development, the Department of Community, Culture and Leisure must consult with the Department of Environment, Food and Agriculture regarding the impact the proposed operations may have on —
 - (a) any trees in the adjacent land; and
 - (b) the Ballaugh Curragh Area of Special Scientific Interest and any subsequent protected area.



SCHEDULE 4

[Article 4]

NOBLES HOSPITAL, BRADDAN

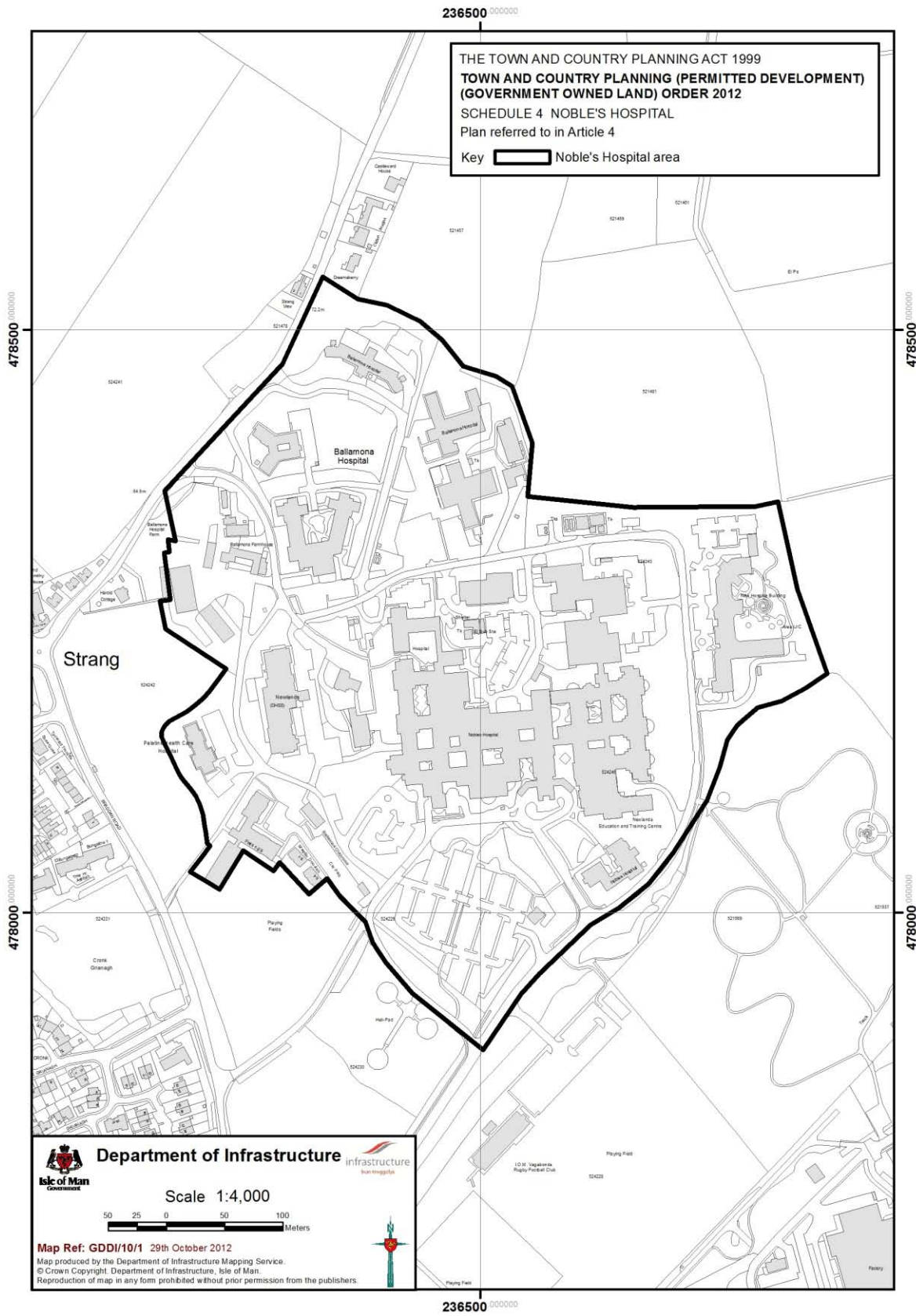
1 Permitted development

Operations within the area shown by a thick black line on the map attached to this Schedule consisting of the following classes of development –

- (a) the erection of buildings
- (b) the enlargement or alteration of existing buildings; and
- (c) the construction of roads, footpaths, car parks, or other paved areas.

2 Conditions

- (1) The operations must be carried out on behalf of, or by the Department of Health, and be for purposes incidental to the use of the site as a hospital.
- (2) No trees may be felled as a consequence of the development; and
- (3) There must be no overall loss of parking spaces as a consequence of the development.



SCHEDULE 5

[Article 4]

NATIONAL SPORTS CENTRE

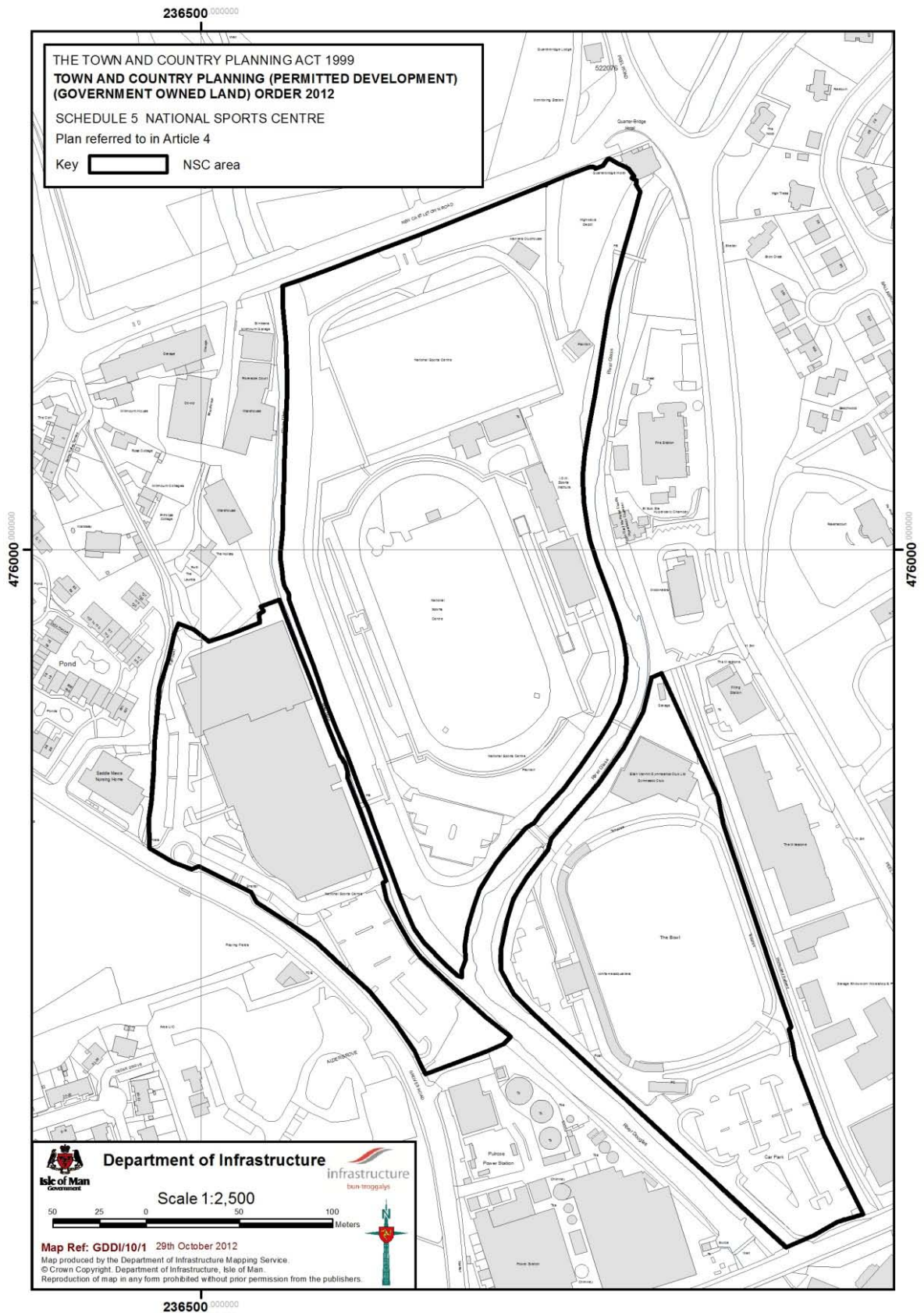
1 Permitted development

Operations within the area shown by a thick black line on the map attached to this Schedule consisting of the following classes of development –

- (a) the erection of buildings
- (b) the enlargement or alteration of existing buildings; and
- (c) the erection of fencing.

2 Conditions

- (1) The operations must be carried out on behalf of, or by the Department of Community, Culture and Leisure, and be for purposes incidental to the use of the site as a National Sports Centre;
- (2) No trees may be felled as a consequence of any operations;
- (3) There must be no overall loss of parking spaces as a consequence of the development; and
- (4) No development may take place within 9.142 metres of the banks of either the River Glass or River Dhoo.



EXPLANATORY NOTE

(This note is not part of the Order)

This Order will increase the range of developments permitted without the need for formal permission on several Government owned sites (the Hospital, the Prison, the National Sports Centre, the Wildlife Park and Douglas outer harbour). The areas of land where certain development will be permitted are shown on the Schedules to the Order.