



**Isle of Man
Government**

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Commenting on a Planning Application – A Guide for Contributors

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Department of Environment, Food and Agriculture

Planning and Building Control Directorate Murray House

CONTENTS

Why should I comment on planning applications?

How do I find out if an application has been submitted and view the details?

When can I comment?

What should I include in my comments?

How can I submit my comments?

What happens to my comments?

Can I submit a Petition?

Can I Speak at Planning Committee?

Can I appeal if I don't agree with the decision?

Can amendments be made to a proposal prior to determination of an application?

Can amendments be made to a proposal after it has been determined?

Can a further application be submitted following a refusal?

For more information see www.gov.im/planningcontributors

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Why should I comment on planning applications?

Development proposals often generate public interest, especially where they may impact on the surrounding area and community. The opinion of members of the public is important in the decision making process. Whatever your viewpoint, whether it may be positive or negative, provided it is planning related and communicated to us in writing it will be taken into account. The Department welcomes comments not only from neighbours to proposed development, but also special interest groups and societies.

The Department understands that every person may have a different view of a development recognising that everybody may have a unique insight into the potential effects of a development on themselves and their neighbourhood, but it is your responsibility to ensure that your views are known. Participating in the planning process is about more than just objecting. Supporting a proposal or suggesting amendments or conditions that could alleviate your concerns are just as important.

More information is available at www.gov.im/planningcontributors

How do I find out if an application has been submitted and view the details?

There are three ways of finding out about planning applications, as set out below.

- Planning applications are included on a weekly list which is published on our website.
- The applicant is sent a site notice which they must display on or near the site (so that it can be read) for at least 21 days.
- You can search for planning applications using our online services.

For more information, and to view applications, visit www.gov.im/viewapplications

When can I comment?

Comments are accepted up to the point at which the application is determined. The Department cannot determine an application until the 21 days publicity has expired (the 21 days following publication of the weekly list and display of the site notice). Therefore, if you comment during the 21 day publicity period you can be sure we will take account of your comments. If you comment after the 21 day period, there is the risk that we may have already determined the application and so be unable to take your comment into account.

What should I include in my comments?

When commenting on an application, please consider the following points.

- **Be Clear** – It is important to state which planning application your comments relate to, therefore include the reference number, site address and description in your response.
- **Be Factual** - All comments should be based on fact, and therefore, it is important that you view the plans for the proposed development before submitting your comments.
- **Relate to Planning** – Only comments which relate to planning issues (known as “Material Considerations”) can be taken into account. If in doubt, it is better to put all your concerns down, and let the Case Officer work out which are material than to miss something out which could in fact be material. See www.gov.im/materialconsiderations
- **Relate to the Proposal** - Only comments which relate to the relevant planning application can be taken into account.
- **Explain if and how it impacts on your property** – Anyone can comment. However if you feel that a proposal will impact on your property, it is helpful to explain how (including the relationship between your property and the application site). This is particularly important if you wish to be considered for Interested Person Status. See www.gov.im/interestedperson
- **Fully set out your concerns** – Comments which simply indicate support or objection will normally carry little weight. It is therefore important that you clarify why you support or object to a proposal. Please note that for applications submitted on or after the 1st January 2020 third party appeals must include a reason which relates to issues which you have included in representations made prior to the application being determined.
- **Your information** - Please be aware that anonymous submissions will not be considered. It is important to include your name, postal address and contact details (please note that if an email address is provided, we will assume that you are happy to receive further correspondence in that format).

How can I submit my comments?

Representations must be made in writing, should quote the application reference number, application site and proposal. They can be made by the means set out below.

- **Online** – via the Government Online Services. See www.gov.im/viewapplications
- **By letter** – to Planning and Building Control Directorate, Department of Environment, Food and Agriculture, Murray House, Mount Havelock, Douglas, Isle of Man , IM1 2SF
- **By email** – to planning@gov.im

What happens to my comments?

Representations made will be processed as part of and alongside the assessment of the application. Any questions raised within the comment submitted will be taken into account by the Case Officer in their report and will not usually be responded to individually. When compiling their report, the Case Officer will include a recommendation on who should be granted the right to lodge an appeal against the decision (be granted Interested Person Status).

Any comment submitted as part of a planning consideration is publically available. Information such as name, phone number and e-mail address will be redacted before comments are published online. However, the address of the person making the comment is not redacted as this is normally material in understanding the comment and also assessing the person making the comment for Interested Person Status.

In addition, the Department endeavours to consider all representations for appropriateness before placing them on public record/ the application file. In carrying out such consideration the Department retains the right to use its discretion to redact any comment or information it considers to be inflammatory, offensive and/or inappropriate to the planning process. This scrutiny may take up to 48 hours before the submitted comment will appear in the public forum, placed on the application file and published online.

As there is a statutory requirement to maintain a register of planning applications, which includes any comments submitted as part of the application consultation process, comments will be retained indefinitely as part of the application within that register. The Directorate has a Privacy Policy which may be viewed on the website at www.gov.im/PBCprivacy

Can I submit a Petition?

Petitions are sometimes submitted about proposed developments. Where a petition is received in relation to a planning application, the Department will correspond with the lead petitioner. The petition will be treated in broadly the same way as an individual submission and the merits of the submission will be considered. The petition will be published on-line and the names and signatures will be redacted before being put online or made available to the public in hard copy form.

However, should a signatory to a petition wish to be considered for Interested Person Status, they will need to make an individual submission setting out how the lawful use of their property would be affected by the proposed development.

Can I Speak at Planning Committee?

Most planning applications are determined by Senior Officers with delegated powers. About 1 in 5 applications are determined by the Planning Committee. If you have made a written comment on a planning application, and it is to be determined by the Planning Committee, you can register to speak at the meeting. For information on this process please see www.gov.im/planningcommittee

Can I appeal if I don't agree with the decision can?

If you have made comments on a planning application and you believe that it will directly impact your property you may be eligible for Interested Person Status (IPS). After the application has been determined (approved or refused) the decision maker will then decide who should be afforded Interested Person Status (the ability to lodge and participate in an appeal against the decision).

Please note that when considering comments in relation to a planning application, whether or not someone may be afforded IPS does not change the weight attached to any comments they may have made. For more information on the appeal process see www.gov.im/planningappeal

Can amendments be made to a proposal prior to determination of an application?

Applicants may propose amendments to the application prior to its determination. The submission of significant amendments will be advertised either by way of a letter/email to those who have submitted comments and/or by an amended site notice.

If the amendment does not address your concerns, it is helpful if you submit further comments accordingly. If the proposed amendments raise concerns which you have not previously commented on, it is helpful if you submit further comments setting out your additional or changed concerns.

Can amendments be made to a proposal after it has been determined?

If an applicant seeks to amend an application after planning approval has been granted, there are two routes they can follow, as set out below.

- **Minor Change Application** – The applicant may seek approval to amend drawings which have planning approval by submitting a Minor Changes Application. Such an application will not be advertised and there are no rights of appeal against a decision. However, a Minor Changes Application will only be approved if the Department considers the change does not warrant consideration by way of a full application.
- **Further Planning Application** - If the proposed amendments go beyond those allowed in a minor change application, or a minor change application is refused, the applicant may submit a further planning application. Such an application will be considered as a new application and comments submitted on previous applications will not be carried forward. It is important, therefore, that if the new application does not address concerns which you have previously submitted, or creates new concerns, you should submit comments on the new application, bearing in mind the material planning considerations and interested person policy.

Can a further application be submitted following a refusal?

Following refusal of an application, the applicant may submit a further application which seeks to address the reasons for refusal. Such an application will be considered as a new application and comments submitted on previous applications will not be carried forward. It is important, therefore, that if the new application does not address concerns which you have previously submitted, or creates new concerns, you should submit comments on the new application, bearing in mind the material planning considerations and interested person policy.