



TOWN AND COUNTRY PLANNING (NATIONAL POLICY DIRECTIVES) REGULATIONS 2019

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Statutory Document No. 2019/0505



Town and Country Planning Act 1999

TOWN AND COUNTRY PLANNING (NATIONAL POLICY DIRECTIVES) REGULATIONS 2019

Approved by Tynwald: 22 January 2020
Coming into Operation: 1 February 2020

The Council of Ministers makes the following Regulations under section 2A of the Town and Country Planning Act 1999.

1 Title

These Regulations are the Town and Country Planning (National Policy Directives) Regulations 2019.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 1 February 2020¹.

3 Interpretation

In these Regulations —

“**Act**” means the Town and Country Planning Act 1999;

“**NPD**” means a national policy directive;

“**proposer**” means the Department proposing the making of an NPD and “proposal” shall be construed accordingly.

4 NPD proposer

An NPD may be proposed by a Department.

5 Contents of a proposal

A proposal must —

- (a) summarise the broad objectives to be addressed by a NPD;

¹ Section 44 of the Town and Country Planning Act 1999 requires Tynwald to approve regulations made under section 2A of the Act.

- (b) identify those elements of the Island Development Plan referred to in section 2 of the Act (“the development plan”), whether relating to policies, allocations, designations or otherwise, which the proposer considers are in issue;
- (c) specify any matters which the proposer considers should be, but are not, covered by the development plan;
- (d) specify any alternative approaches or measures to address the issues identified and, if there is a preferred option or approach, state what it is;
- (e) explain how, and why, a NPD would be better than, and should accordingly override, some or all of the provisions of the development plan;
- (f) include a statement of anticipated impact and consequences of the proposal;
- (g) be based on demonstrable evidence (whether empirical, documentary or analogical or otherwise) and that evidence must be cited.

6 Review: proposer other than Cabinet Office

- (1) This regulation applies where the proposer is a Department other than the Cabinet Office.
- (2) A proposal must be given to the Cabinet Office in writing.
- (3) The Cabinet Office must review the proposal and may request the proposer to provide additional information.
- (4) A request must be in writing.
- (5) Where further information is requested, it must be given by the date specified in the request.
- (6) If such further information is not provided by the date referred to in paragraph (5), the Cabinet Office may consider the proposal to have been withdrawn.

7 Report by Cabinet Office

- (1) This regulation applies where the Cabinet Office —
 - (a) is the proposer, or
 - (b) has been given a proposal under regulation 6 which does not fall in paragraph (6) of that regulation.
- (2) The Cabinet Office must draw up a written report to be given to the Council of Ministers.
- (3) The report must —
 - (a) state who the proposer is;

- (b) whether the Cabinet Office considers —
 - (i) the matters referred to in regulation 5(b) and (c) to be relevant and supported by the evidence referred to in paragraph (g) of that regulation;
 - (ii) that other elements of the development plan are relevant and, in such a case, identify those elements;
 - (iii) further evidence is required and, if so, what that evidence may be;
 - (iv) the approaches or measures referred to in regulation 5(d) are appropriate and, if not, specify approaches or measures that may be;
 - (v) the explanation referred to in regulation 5(e), and the impact assessment referred to in regulation 5(f), realistic and sustainable;
 - (vi) other matters are relevant, in which case specify what they are;
- (c) make a recommendation about the determination of the proposal in light of the matters referred to in paragraph (b).

8 Council of Ministers

- (1) The Council of Ministers must consider the proposal and the Cabinet Office's report on it.
- (2) Where the Council of Ministers is satisfied that the production of the NPD is in the public interest and that the issues identified in the proposal could not more appropriately be resolved through other means (such as a planning policy statement made under section 3 of the Act), it may determine to assess the proposal in a public consultation.
- (3) A public consultation referred to in paragraph (2) shall be on a draft of the NPD and an accompanying explanatory document.
- (4) Where the Council of Ministers is not satisfied that the production of the NPD is in the public interest it shall, as soon as reasonably practicable, give the proposer a written notification setting out —
 - (a) its decision, and
 - (b) the reasons why it is not so satisfied.

9 Draft NPD and explanatory document

- (1) The draft NPD and explanatory document shall be drawn up by the Cabinet Office.
- (2) The explanatory document must include the following —
 - (a) the identity of the proposer;

- (b) a summary of the matters referred to in regulation 5;
- (c) a statement of the strategic purpose of the NPD and how that is intended to be achieved;
- (d) an explanation as to why it is considered that the public interest requires any matter raised by the proposer to be addressed in the way proposed;
- (e) details of any alternative measures that have been rejected prior to the commencement of the consultation and the reasons for doing so.

10 Consultation

- (1) A public consultation on the draft NPD must be for a period of no less than 6 weeks.
- (2) The Cabinet Office must publish guidance on the consultation which must include information on –
 - (a) how the consultation document can be viewed (whether in hard copy form, electronic form or both forms),
 - (b) how responses to the consultation may be made,
 - (c) the name and address of the recipient of consultation responses,
 - (d) the date and time at which the consultation is to cease, and
 - (e) any other matter the Cabinet Office considers relevant.
- (3) The Cabinet Office shall take such steps as it considers appropriate to publicise the consultation generally.
- (4) The Cabinet Office shall take such steps as it considers appropriate to notify all Departments and local authorities of the consultation.

11 Consultation Report

- (1) The Cabinet Office must draw up a consultation report as soon as reasonably practicable after its consideration of the responses (if any) to the consultation.
- (2) The consultation report must include –
 - (a) a summary of the background to the consultation and the consultation process;
 - (b) details of the main issues consulted upon;
 - (c) a summary of the responses to the consultation in general;
 - (d) details of the responses to the main issues consulted upon;
 - (e) details of the Cabinet Office's response to the responses referred to in paragraph (d);

- (f) an explanation as to why alternatives proposed (if any) by consultees have been accepted or rejected;
- (g) the Cabinet Office's recommendation as to whether the draft NPD should be adopted whether as consulted upon or as amended;
- (h) where the Cabinet Office recommend that the draft NPD should not be adopted whether as consulted upon or otherwise, the reasons for that recommendation;
- (i) where the Cabinet Office recommend that the draft NPD should be adopted, the reasons for that recommendation;
- (j) where the Cabinet Office recommend that the draft NPD should be adopted with amendments, the reasons for that recommendation together with a description of those amendments and the reasons for them.

MADE 6 JANUARY 2020

W GREENHOW
Chief Secretary

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations set out the procedure for the making of a National Policy Directive under the Town and Country Planning Act 1999.

The Regulations make provision for —

- (a) the contents of a proposal for the making of a National Policy Directive (regulation 5);
- (b) the role of the Cabinet Office before and after consultation on a draft National Policy Directive (regulations 6, 7 and 9);
- (c) the role of the Council of Ministers (regulation 8);
- (d) the contents of a public consultation and the process for that consultation (regulations 10 and 11).