

Statutory Document No. 2021/0157



*Town and Country Planning Act 1999*

## **TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT) (AMENDMENT) ORDER 2021**

*Approved by Tynwald:* 15 June 2021  
*Coming into Operation:* 1 July 2021

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

### **1 Title**

This Order is the Town and Country Planning (Permitted Development) (Amendment) Order 2021.

### **2 Commencement**

If approved by Tynwald<sup>1</sup>, this Order comes into operation on 1 July 2021.

### **3 Interpretation**

In this Order, the “**Permitted Development Order**” means the Town and Country Planning (Permitted Development) Order 2012<sup>2</sup>.

### **4 Article 3 of the Permitted Development Order amended**

- (1) Article 3 of the Permitted Development Order is amended as follows.
- (2) In paragraph (1) —
  - (a) after the definition of “dwellinghouse” insert a new definition —  
| **FRM works** has the same meaning as in section 7 of the  
| Flood Risk Management Act 2013; **FRM**; and
  - (b) omit the definition of “Main River”.

### **5 Article 4 of the Permitted Development Order amended**

- (1) Article 4 of the Permitted Development Order is amended as follows.

<sup>1</sup> Tynwald approval required under section 44(1) of the Town and Country Planning Act 1999.

<sup>2</sup> SD 0254/2012, as amended by SD 2019/0392, SD 2019/0459 and SD 2020/0349.

- (2) In paragraph (1), for “condition in paragraph (2A)” substitute **66** conditions in paragraphs (2A) and (2AB) **62**.
- (3) In paragraph (2A), omit “or be situated closer to such a tree than the required distance”.
- (4) After paragraph (2A) insert —
  - 66**(2AA) Paragraph (2A) does not apply to FRM works carried out under section 27 (emergency power) of the Flood Risk Management Act 2013.
  - (2AB) The following Schedule 1 operations must not be situated closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) than the required distance —
    - (a) class 14 Extension of dwellinghouse;
    - (b) class 17 Private garages and car ports;
    - (c) class 18 Domestic fuel storage tanks;
    - (d) class 19 Replacement of waste water treatment system;
    - (e) class 22 Solar Panels (Stand alone);
    - (f) class 23 Heat Pumps;
    - (g) class 23A Air source heat pumps; and
    - (h) class 43 School cycle shelters. **62**.
- (5) In paragraph (2B), for “2A” substitute **66**2AB **62**.

## 6 Schedule 1 to the Permitted Development Order amended

- (1) Schedule 1 to the Permitted Development Order is amended as follows.
- (2) In paragraph 3 (Class 3 Land drainage works), for “Land Drainage Act 1934” substitute **66**Flood Risk Management Act 2013 **62**.
- (3) In Part 2, in the opening text to Section A, in subparagraph (2), for “river designated as a Main River under the Land Drainage Acts” substitute **66**designated watercourse under the Flood Risk Management Act 2013 **62**.
- (4) In paragraph 16 (Class 16 Fences, walls and gates) —
  - (a) in subparagraph (d), omit “and”; and
  - (b) after subparagraph (d) insert —
    - 66**(da) any wall must not be constructed closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) than the required distance stated in article 4(2B); and **62**.
- (5) In paragraph 39 (Class 39 Fences, walls and gates), at the end insert —
  - 66** Condition:

Any wall must not be constructed closer to a tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) than the required distance stated in article 4(2B). **22**.

**MADE 13 MAY 2021**

**R HARMER**

*Minister for Policy and Reform*

***EXPLANATORY NOTE***

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (Permitted Development) Order 2012 [SD 0254/2012] (“the Permitted Development Order”) such that a tree distancing condition only applies to certain classes of permitted development in Schedules 1 and 2 to the Permitted Development Order.

Operations falling within the classes in Schedules 1 and 2 of the Permitted Development Order that are carried out under the emergency power of the Flood Risk Management Act 2013 are exempted from the restriction on felling etc. of trees in Article 4(2A).

In addition, consequential amendments are made to the Permitted Development Order as a result of the repeal of the Land Drainage Act 1934 by the Flood Risk Management Act 2013.