

CABINET OFFICE
Oik Coonceil ny Shirveishee

**Appointment of Members of the Isle of Man Planning Appeals
Inspectors Panel**

INFORMATION PACK

September 2021

Contents

1. Advertisement
2. Introduction
3. Remuneration and Expenses
4. Person Specification
5. Application Form
6. Subsistence Allowances
7. Extract from The Town & Country Planning (Development Procedure) Order 2019.

Section 1

Advertisement

ISLE OF MAN GOVERNMENT
APPOINTMENT OF MEMBERS OF THE ISLE OF MAN PLANNING APPEALS INSPECTORS
PANEL

Planning appeals in the Isle of Man are dealt with under the provision of the Town & Country Planning Development (Development Procedure) Order 2019.

The Council of Ministers is seeking to recruit a number of persons to join the panel of Isle of Man Planning Appeals Inspectors.

- 1) Article 3 of the Town & Country Planning (Development Procedure) Order 2019 defines "planning inspector" as a person whose name appears on a list approved for the purposes of this Order by the Council of Ministers (Council is therefore required to consider and approve a list of persons to act as Planning Inspectors). Planning Appeal

Inspectors act as the person appointed for the purpose by the Council of Ministers in respect of any case referred to them by the Secretariat:

- (i) Under the provision of Article 10 of the Town and Country Planning (Development Procedure) Order 2019;
 - (ii) In relation to planning applications to be considered by the Council of Ministers under Section 16 Town and Country Planning (Development Procedure) Order 2019; and
 - (iii) Under the provisions of Article 11 and 13 of the Town and Country Planning (Registered Buildings) Regulations 2013.
- 2) Planning applications where persons aggrieved at decisions of the Planning Committee submit an appeal to the Minister for the Department of Environment, Food and Agriculture under the provisions of the Town & Country Planning (Development Procedure) Order 2019.
 - 3) Applications for development by the Department of Environment, Food and Agriculture, or for the development of land in which the Department has a vested interest, or on land which is occupied or controlled by the Department which are for determination by the Council of Ministers.
 - 4) Applications called in by the Council of Ministers which raise considerations of general importance to the Island or for some other reason ought not to be determined by Department of Environment, Food and Agriculture.

Persons who wish to be considered for appointment to the panel of Inspectors are invited to download an information pack at <https://www.gov.im/co/> Alternatively hard copies can be obtained from Mr A Johnstone, Planning Appeals Administrator, Cabinet Office, Bucks Road, Douglas, Isle of Man IM1 3PN. Applications, including a current CV and how you meet the requirements of the person specification, should be sent to Mr Johnstone by Friday 22 October 2021.

Section 2

Introduction

Inspectors prepare reports setting out their conclusions and recommendations on each case, following an actual or virtual site visit and, in appropriate cases, an inquiry. They are supported by the Planning Appeals Secretariat based in the Cabinet Office, Government Offices, Douglas, Isle of Man.

In some cases a virtual site visit and remote inquiry by MS Teams or Zoom is conducted depending upon circumstances and, in particular travel restrictions such as arising from the Covid19 pandemic in 2020-21.

Members of the panel are appointed for a five year period. Inspectors are typically undertake a minimum of three weeks work conducting appeal hearings per year subject to the number of cases, plus preparation and reporting time.

Applications are sought from persons who can meet the following criteria, please see section 4 which details the full person specification:

- Achieved a senior position as an Inspector in the Planning Inspectorate in the UK or other jurisdictions.
- Experience in holding public Inquiries of significant scale and complexity.
- Drive and flexibility to carry out 15 or more site visits in a single day
- Ability to produce high-quality reports and Chair diverse public inquiries, whilst adhering closely to the three fundamental principles of openness, fairness and impartiality.

• A Planning Inspector is expected at all times to exercise the highest standards of behaviour in line with the seven principles of public life which can be found at <https://hr.gov.im/media/1189/the-government-code-february-2017.pdf> Annex 2.1: The Seven Principles of Public Life

Persons who wish to be considered for appointment to the panel of Inspectors are invited to download an information pack at <https://www.gov.im/co/> Alternatively hard copies can be obtained from Mr A Johnstone, Planning Appeals Administrator, Cabinet Office, Bucks Road, Douglas, Isle of Man IM1 3PN. Applications, including a current CV and how you meet the requirements of the person specification, should be sent to Mr Johnstone by 22 October 2021.

Further information regarding the planning appeal system can be found on the website <https://www.gov.im/categories/planning-and-building-control/planningapplications/planning-appeals/>, or you can ring Mr Johnstone on 01624 685204.

New Panel members, once appointed will be expected to attend an induction briefing sessions delivered by existing Panel members covering:

- Manx planning law, policy and practical procedures;
- Observation of casework proceedings before undertaking their first tranche of casework.

Note: Time spent in respect of induction will attract remuneration at the standard daily rate.

Existing Panel members will be available to advise new members during their first tranche of IoM casework, where necessary.

Section 3

Remuneration and Expenses

1. Chief Secretary's Office will organise air or ferry travel and accommodation where appropriate. Travel and meal allowances will be paid in accordance with the Isle of Man Subsistence Allowances (Government Circular 54/07)
2. A typical week of appeals would attract remuneration based upon actual days recorded as having been worked and typically as follows:

(1) Preparatory work (normally 2 days per appeal week) @ £338 per day

(2) Inquiry days (including Site visits and travelling time) (max 5 1/2 days) @ £338 per day

(3) Reporting days (normally 1 1/2 days per sitting day) @ £338 per day

3. Written Representation Cases attract a fee of £276 per case.

Where justified by the duration or complexity of cases, a reasonable amount of additional preparation and/or reporting time will be mutually agreed

Section 4

Person specification

Attributes	Essential or Desirable	Method of Assessment
Experience		
Achieved a senior position as an Inspector in the Planning Inspectorate in the UK or other jurisdictions.	Essential	CV/Interview/References
Recent experience in Chairing public inquiries of significant scale and complexity and challenge	Essential	CV/Interview/References
Experience of working to tight deadlines	Essential	CV/Interview/References
Ability to produce high-quality reports and take the lead at diverse public inquiries, whilst adhering to the seven fundamental principles Public life	Essential	CV/Interview/References
Drive and flexibility to carry out 15	Essential	CV/Interview
or more site visits in a single day		
Knowledge and skills		
An ability to communicate effectively both orally and in writing	Essential	CV/Interview
Good level of IT skills (in particular Microsoft Office applications and the familiarity with MS Teams/Zoom	Essential	CV/Interview
Sound interpersonal skills	Essential	Interview
Able to maintain a high attention to detail	Essential	Interview

Disposition		
Flexible and able to adapt to changing circumstances	Essential	Interview
Reliable and self-motivated	Essential	Interview

THE TRAVELLING ALLOWANCES ORDER 2006

Approved by Tynwald
Coming into operation

17th October 2006
1st November 2006

In exercise of the powers conferred on the Treasury by section 6(2) of the Payment of Members' Expenses Act 1989(a), and of all other enabling powers, the following Order is hereby made:

Citation, commencement and interpretation

1. (1) This Order may be cited as the Travelling Allowances Order 2006 and, subject to section 7(4) of the Act, shall come into operation on the 1st November 2006.

(2) In this Order -

"the Act" means the Payment of Members' Expenses Act 1989;

"member" means a person to whom a travelling allowance is payable under section 5(1) of the Act.

Scales and Conditions of Payment of Travelling Allowances

2. (1) Travelling allowances payable by virtue of section 5(1) of the Act shall be payable at the following rates -

(a) in respect of a journey in the Island by means of the member's own motor vehicle, at the rate (in pence per mile) specified in the Schedule;

(b) in respect of a journey by public transport, at a rate equal to the actual cost of such transport.

(2) In relation to a journey which includes a return journey from the Island by air, the member shall be entitled, in respect of travel to and from Ronaldsway airport to an allowance equal to the following amount-

(a) in respect of travel by means of the member's own motor vehicle the lesser of-

- (i) the allowance under paragraph (1)(a) for two return journeys, and
- (ii) the allowance under paragraph (1)(a) for one return journey plus the charge for parking at the airport.

(b) in respect of travel by public transport, the actual cost of such transport.

(a) 1989 C.4
Price 50p Price Code A

Revocation

3. The Travelling Allowances Order 2002 (b) is revoked.

Article 2 (I)(a)

SCHEDULE

MILEAGE RATES (pence per mile)

Type of Vehicle	First 6,000 Miles	Over 6,000 Miles
Motor Vehicle		
Engine Capacity		
Up to 1299cc		34.0
1300cc or Over	52.0	40.0
Motor Cycle	26.0	17.0

MADE

September 2006

Hon A R Bell MHK
Minister for the Treasury

(b) SD 536/02

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the scales and conditions of payment of travelling allowances under the Payment of Members' Expenses Act 1989, with effect from 1 November 2006.

Government Circular No 0036/12



SUBSISTENCE ALLOWANCES

Approved by Tynwa/d

19 March
2013

SUBSISTENCE ALLOWANCES

The following subsistence allowances shall be payable to Members of Tynwald, Officials, members of the Isle of Man Civil Service and other such persons as the Treasury may direct in respect of absences on official business.

ABSENCES WITHIN THE ISLE OF MAN

1. Meal Allowances

One	Two
Meal	Meals
€6.70	€13.40

- (a) The allowance for one meal shall only be payable if the person concerned is not only away from his/her usual (designated) place of duty for over five hours (eg, leaves before 11.00 and returns after 16.00) but is also at least five miles away from this place.
- (b) To qualify for two meals the person concerned must be absent on duty more than five miles from his/her normal place of work for over 10 hours.
- (c) The allowance should not be paid to persons whose duties require them to travel away from their normal place of work on a regular basis, persons with no fixed work base or to persons who work from home.
- (d) The maximum claim per meal is €6.70 subject to a maximum claim in any 24 hour period of €13.40.

Note: This allowance is intended to compensate officers who, unexpectedly and with little notice, have to travel away from their normal base of operation and are unable to return to follow their normal meal arrangements. It is not intended to supplement the pay of those officers who in the normal course of their duties regularly travel.

2

ABSENCES FROM THE ISLE OF MAN

2. Allowances for Training Courses

(where food and accommodation are provided as part of the Training package)

First 7 days	€10.00 per day
Thereafter	€7.00 per day

(If food is not provided then an additional sum of 25 per day should be allowed to each officer),

3. Allowances for Same Day Returns

Where the claimant leaves the Isle of Man and returns on the same day, the following allowances will be payable:

- 1, If travelling before 1200 hours and return is prior to 1900 hours, then an allowance of £12 can be claimed for lunch;
2. If travel is before 1200 hours and arrival back on the Isle of Man is later than 1900 hours, then a further £23 can be claimed to cover the cost of an evening meal.

Therefore, the maximum sum that can be paid to a claimant leaving and returning to the Island on the same day is £35.

4. Daily Allowances (24 Hours)

These rates are to cover a 24 hour period of absence from the Isle of Man and provide for accommodation, breakfast, lunch, dinner and other incidentals. It is based on the premise that accommodation with a breakfast is provided and that an allowance of is made .for_unchwE23.for_an_evening meal and E3 for incidentals.v

Lower Rate

First 7 days to a maximum of	£120.00	per day
Thereafter to a maximum of	£ 93.00	per day

Higher Rate

First 7 days to a maximum of	£165.00	per day
Thereafter to a maximum of	[121.00	per day

Notes:

- (a) The cost of accommodation and meals/incidental allowances must not exceed the maximum daily allowance in paragraph 4, unless authorisation has been provided in exceptional cases to claim above those rates — see note (f) below.
- (b) Should the total cost of accommodation and meal/incidental allowances fall below the maximum allowance in paragraph 4, then claim should be restricted to the actual costs of accommodation and meal/incidental allowances. See Example 1 below for clarity.
- (c) The higher rates apply to the metropolitan area of London, (all areas within the boundary of the M25 motorway) Heathrow and Gatwick airports, the Channel Islands,

result of a minor changes application – see Part 3) applies to the land in respect of which it is granted irrespective of any change of ownership or interest in the land.

9 Notice of decision

- (1) As soon as practicable after making determination under article 8, the Department must give notice in writing of that decision (an “planning decision notice”) to –
 - (a) the applicant and where the applicant is an agent, to the agent only;
 - (b) every interested person who is not the applicant; and
 - (c) any other person who has made representations with respect to the application.
- (2) A planning decision notice must set out –
 - (a) where approval is granted, the conditions (if any) subject to which it is granted and the reasons for them;
 - (b) where approval is refused, the reasons for it;
 - (c) the effect of article 8(6); and
 - (d) where it is given to an interested person under paragraph (1), the right of such a person to appeal in accordance with Division 3.
- (3) If it appears to the Department that an approval decision notice contains a relevant error, the Department must give a correction notice to those persons mentioned in paragraph (1) setting out the text of any correction subject to which the approval decision notice is to be read.
- (4) A relevant error is –
 - (a) an error of grammar, spelling or syntax;
 - (b) an error in the citation of relevant legislation;
 - (c) an obviously incorrect cross-reference;
 - (d) a clerical error or omission; or
 - (e) an error in transcription or expression.
- (5) Once a correction notice has been given, the original notice is to be treated for all purposes as if it had been made in the corrected form and article 10(3) has effect as if the original notice had been given on the date on which the correction notice is given.

DIVISION 3 - APPEALS

10 Appeals from decisions of the Department

- (1) Any interested person may be an appellant and appeal from a decision of the Department in respect of an application under Part 2.

- (2) An appeal must be in writing and given to the Department.
- (3) An appeal may only be submitted within 21 days of the date of the planning decision notice under article 9.
This paragraph applies where paragraph (4) does not.
- (4) Where an application has not been determined within the relevant period in accordance with article 8 and is not to be determined by the Council of Ministers, an appeal may be submitted upon the expiry of the later of –
 - (a) a period of 6 months beginning with the date on which the Department was furnished with an application bundle; or
 - (b) a period of 3 months beginning with the end of the relevant period referred to in article 8(3) to (5).
- (5) An appeal must –
 - (a) include –
 - (i) the grounds of appeal;
 - (ii) an election, if that is the appellant’s wish, to have the appeal determined by means of an inquiry together with the fee payable in respect of such an inquiry as prescribed by the Department in an order made under section 81 of the Interpretation Act 2015; and
 - (b) in any event, must be accompanied by the fee payable in respect of such an appeal as prescribed by the Department in an order made under section 81 of the Interpretation Act 2015.
- (6) The grounds of appeal referred to in paragraph (5)(a)(i) must –
 - (a) on the part of a person who is not listed in article 4(2) and who is objecting to the application, relate to issues which that person included in representations made prior to the determination of the application under Division 2 of this Part;
 - (b) on the part of the applicant –
 - (i) where the appeal is against a determination made under Division 2 of this Part, specify in detail and by reference to material planning considerations the reasons why the appellant disagrees with that determination;
 - (ii) where the appeal is against a refusal of the application on the grounds of deficient detail or supporting documentation, set out why the applicant considers that the information or documentation forming part of the application bundle was sufficient in the circumstances.
- (7) For the avoidance of doubt, the grounds of appeal cannot be based on a material alteration of the terms of the application given under article 5.

- (8) The Department must, as soon as reasonably practicable, forward to the Chief Secretary all documents and material it has received under this article.

11 Role of the Chief Secretary

- (1) Within 10 working days of the receipt of an appeal notice, the Chief Secretary must give a written notice to every interested person –
- (a) inviting written representations (including on whether the appeal should be determined by means of written representations or by means of an inquiry) to be given to the Chief Secretary within a period of 21 days beginning with the date of that invitation;
 - (b) stating that the appeal will be determined –
 - (i) by means of an inquiry where an appellant has so elected under article 10(5)(a)(ii);
 - (ii) where paragraph (i) does not apply, by means of written representations.
- (2) The Chief Secretary may extend the period referred to in paragraph (1)(a).
- (3) Notwithstanding paragraph (1)(b)(i), the appeal is to be determined by means of written representations where all interested parties (including the appellant) have, following the Chief Secretary's notice, unanimously agreed that it should be determined by such means.
- (4) Where paragraph (1)(b)(ii) would otherwise apply, the appeal is to be determined by means of an inquiry where an interested person has –
- (i) made representations under paragraph (1)(a) for it to be so determined; and
 - (ii) enclosed, with those representations, the fee payable in respect of such an inquiry as prescribed by the Department in an order made under section 81 of the Interpretation Act 2015.
- (5) Paragraphs (6) to (8) apply where either –
- (a) paragraph (1)(b)(ii) applies (and has not been displaced by paragraph (4)); or
 - (b) paragraph (3) applies.
- (6) The Chief Secretary must give a written notice to every interested person –
- (a) informing them that the appeal is to be determined by means of written representations unless the planning inspector subsequently determines otherwise under article 12(1)(b);

- (b) informing them where, and when, any representations received under paragraph (1)(a) may be viewed (whether in hard copy form, electronic form, or in both forms);
 - (c) inviting additional representations to be given within a period of 14 days beginning with the date of that invitation.
- (7) The Chief Secretary may extend the period referred to in paragraph (6)(c).
- (8) Upon the expiry of the period referred to in paragraph (1)(a) or, where applicable, paragraph (6)(c), the Chief Secretary –
- (a) must refer an appeal referred to in this article to a planning inspector stating whether, in accordance with this article, it is to be determined by means of an inquiry or by means of written representations;
 - (b) where in accordance with this article, an appeal is to be determined by means of an inquiry, must make any written representations given under paragraph (1) or (5) available to all interested parties prior to the date of the inquiry; and
 - (c) may convene a pre-inquiry meeting on behalf of the planning inspector.
- (9) This article is without prejudice to article 12(1)(b).

12 Role of the planning inspector

- (1) Upon a reference from the Chief Secretary under article 11, the planning inspector –
- (a) must consider the application bundle, the written appeal, any written representations made in connection with them and any other material or information the planning inspector considers necessary in order to discharge his functions under this article;
 - (b) may, where article 11(1)(b)(i) or (4) does not apply, determine that it should be determined by means of an inquiry where the planning inspector considers that any interested person participating in the appeal would be unduly disadvantaged if it were to be determined by means of written representations;
 - (c) may in the case of an appeal to be determined by means of an inquiry, hold a pre-inquiry meeting;
 - (d) must, in the case of an appeal to be determined by means of an inquiry, give the appellant, the Department and every interested person, an opportunity to appear at a fixed time and place, to make oral representations and to call and examine witnesses; and
 - (e) may invite any Government Department (or Division of a Department), Manx National Heritage, Manx Utilities or any other person to provide technical advice.

- (2) Where, pursuant to paragraph (1)(b), the planning inspector determines that the appeal should be determined by means of an inquiry, the Chief Secretary must make any written representations available to all interested parties prior to the date of the inquiry.
- (3) Having considered the application, the written appeal, any representations made or any evidence or advice presented or submitted in respect of them, the planning inspector must give the Chief Secretary a written report which must include the planning inspector's recommendations as to the determination of the application.

13 Determination by the Department

- (1) The Department must consider the report of the planning inspector and may consider any material provided under articles 5 and 7 to 11 and —
 - (a) must either allow or dismiss the appeal;
 - (b) may in any case reverse or vary any part of its original decision in relation to such an application, whether or not the appeal relates to that part of its original decision.
- (2) As soon as practicable after its determination of the appeal, the Department must give the appellant and every other interested person an appeal decision notice.
- (3) An appeal decision notice must —
 - (a) set out the Department's determination and the reasons for it;
 - (b) include details of the times and place where the report of the planning inspector may be viewed whether in hard copy form or electronic form or both forms;
 - (c) if and to the extent that the Department's determination does not follow the recommendations of the planning inspector, state the reasons for not doing so;
 - (d) advise that the Department's decision is final and binding subject only to the possibility of judicial review by petition of doléance.
- (4) If it appears to the Department that the appeal decision notice contains a relevant error, the Department must give those persons mentioned paragraph (2) a correction notice setting out the text of any correction subject to which the appeal decision notice is to be read.
- (5) A relevant error is —
 - (a) an error of grammar, spelling or syntax;
 - (b) an error in the citation of relevant legislation;
 - (c) an obviously incorrect cross-reference;
 - (d) a clerical error or omission; or
 - (e) an error in transcription or expression.

- (6) Once a correction notice has been given, the original decision notice is to be treated for all purposes as if it had been made in the corrected form and, for the purposes of computation of time for judicial review by a petition of dolence, has effect as if the original decision notice had been made on the date on which the correction notice is given.

14 Withdrawal of appeal

The appellant may withdraw an appeal by giving notice in writing to the Chief Secretary –

- (a) in the case of an appeal to be determined by means of an inquiry, no later than 7 days before the scheduled date for the inquiry;
- (b) in the case of an appeal to be determined by means of written representations, at any time before the expiry of the period referred to in article 11(6)(c) or that period as extended under article 11(7).

15 Payment of costs

If the appellant or, as the case may be, the appellant's representative fails without reasonable cause to appear at the time and place appointed under article 12(1)(d), the Department may, within 14 days of the date of the notice under article 13, require the appellant to pay the whole, or a specified part of the costs and expenses incurred by the Department or any other interested person in connection with the appeal.

DIVISION 4 – COUNCIL OF MINISTERS DETERMINATIONS

16 Applications to be determined by the Council of Ministers

- (1) The following applications must be determined by the Council of Ministers –
- (a) an application for planning approval –
 - (i) referred to the Council by the Department under subsection (1)(a) of section 11 of the Act which the Council has directed will be determined by it;
 - (ii) in respect of which the Council of Ministers has issued a direction under subsection (1)(b) of that section, (“a section 11(1) application”);
 - (b) an application for planning approval –
 - (i) in which the Department is the applicant; or
 - (ii) which is for the development of land any interest in which is vested in, or which is occupied by or controlled by, the Department,

(a “Departmental application”).

- (2) This paragraph applies where, in respect of an application referred to in article 5 –
 - (a) a notice of application has been published under article 7; and
 - (b) the Council, under section 11(1)(b) of the Act, has directed that the application be referred to it.
- (3) Where paragraph (2) applies, a notice of application must nevertheless be published under article 17.

17 Publication of notices and reports by the Department.

- (1) Where, in respect of an application made under article 5, article 6 does not apply but 16 does, the Department must prepare and publish a notice of application in accordance with this article.
- (2) A notice of application must –
 - (a) specify the location of, and describe, the land and the proposed development to which the application for planning approval relates;
 - (b) state that any person (“S”) may make written representations to the Department with respect to that application at any time before it is sent to the Chief Secretary under paragraph (7)(b); and
 - (c) state –
 - (i) whether the application is a section 11(1) or, as the case may be, a Departmental application;
 - (ii) that the application is to be determined by the Council of Ministers; and
 - (iii) that any written representations made by S must explain the nature of S’s interest in the application and detail S’s reasons for supporting or objecting to the application.
- (3) No later than the publication date the Department must –
 - (a) give the applicant a copy of the notice of application requiring that person to –
 - (i) display a copy of the notice by fixing it firmly to a building, other structure or near the land that is subject to that application so that it can easily be read by members of the public from the public highway and is unlikely to be obscured or concealed; and
 - (ii) ensure that copy of the notice displayed in accordance with sub-paragraph (i) remains so displayed for a period of not less than 21 days beginning with the day on which it was first displayed;



- (b) notify the Highway Services Division of the Department of Infrastructure and the local authority for the district in which the land subject to that application is situated, of that application and the place and times at which it may be viewed (whether in hard copy form or electronic form or both forms); and
- (c) cause the matters referred to in sub-paragraphs (a) to (c) of paragraph (2) to be published —
 - (i) in at least one newspaper circulating in the Island; or
 - (ii) by such other means as the Department considers appropriate.
- (4) Where a local authority is notified of the application under paragraph (3)(b), it may publicise the place and times at which it may be viewed (whether in hard copy form or electronic form or both forms), in any manner it sees fit.
- (5) Where documentation is given to the Department under to article 5(6) or (10), the Department may undertake such publicity as it sees fit having regard to the significance of that documentation and may, if it considers it appropriate to do so, prepare and publish —
 - (a) an amended; or
 - (b) a replacement,notice of application.
- (6) Where an amended or replacement notice is prepared under paragraph (5), references to a notice of application (however expressed) in paragraphs (1) to (4) are to be read as references to that amended or replacement notice.
- (7) As soon as practicable, but not before the expiry of a period of 21 days beginning with the publication date, the Department must —
 - (a) publish a report —
 - (i) in the case of a section 11(1) application, setting out—
 - (aa) what the Department considers to be the main issues raised by the application;
 - (bb) a recommendation as to whether the application should be approved or refused and the reasons for that recommendation;
 - (cc) any conditions it considers should be attached to an approval of it (if approved) and the reasons for such conditions;
 - (ii) in the case of a Departmental application setting out—
 - (aa) what the Department considers to be the main issues raised by the application;

- (bb) any conditions it considers should be attached to an approval of it (if approved) and the reasons for such conditions; and
 - (b) give that report, the application bundle and any representations received by the Department, to the Chief Secretary.
- (8) The representations referred to in paragraph (2)(b) are –
- (a) where article 16(2) applies, representations made in response to the notice of application published under article 7 and –
 - (i) before the Council of Ministers directed the application to be referred to it; or
 - (ii) before the application is referred by the Department to the Chief Secretary (notwithstanding the fact that a notice of application under this article has also been published; and
 - (b) representations made in response to the notice of application published under this article.

18 Referrals to the Chief Secretary

- (1) Where an application is referred to the Chief Secretary pursuant to article 17, the Chief Secretary must write to the persons referred to in paragraph (2) and –
- (a) invite written representations to be sent to the Chief Secretary with respect to that application within a period of 21 days beginning with the date of the invitation, which period may be extended on request at the Chief Secretary's discretion;
 - (b) in the case of a section 11(1) application, state that the application will be determined by means of an inquiry;
 - (c) in the case of a Departmental application, state that unless a written representation is made for the application be determined by means of an inquiry, it will be determined by means of written representations.
- (2) The persons referred to in paragraph (1) are –
- (a) the Department;
 - (b) the applicant (if not the Department);
 - (c) the local authority in whose district the land is situated;
 - (d) any person who has made written representations with respect to the application.
- (3) The Chief Secretary –
- (a) must refer an application (whether a section 11(1) or a Departmental application) to a planning inspector; and

notice”) must be issued by the Chief Secretary as soon as practicable to every person mentioned in paragraph (11).

- (3) Where, having considered the planning inspector’s report given under article 19(2), the Council of Ministers approve a section 11(1) application, that application (together with any relevant independent inspector’s report) must be laid before Tynwald.
- (4) Where Tynwald resolve to annul¹ the decision of the Council of Ministers to approve a section 11(1) application, the Chief Secretary must give notice in writing of Tynwald’s decision as soon as practicable to every person mentioned in paragraph (11).
- (5) Where Tynwald do not resolve to annul the decision of the Council of Ministers to approve a section 11(1) application, the Chief Secretary must notify every person mentioned in paragraph (11) of that fact.
- (6) In the case of a Departmental application, as soon as practicable after the Council of Ministers has considered the recommendations of the planning inspector and determined the application, a decision notice (“a CS decision notice”) must be given by the Chief Secretary to every person mentioned in paragraph (11).
For the avoidance of doubt, if the Departmental application is approved by the Council it does not need to be laid before Tynwald.
- (7) A CS decision notice must –
 - (a) in the case of an application that has been approved, state the reasons for that approval and, if approved subject to conditions, what the conditions are and the reasons for their imposition;
 - (b) in the case of an application that has been refused, state the reasons for that refusal;
 - (c) if, and to the extent that, the decision of the Council of Ministers does not follow the recommendation of the planning inspector, state the reasons for not doing so;
 - (d) include details of the times and place where the report of the planning inspector may be viewed whether in hard copy form or electronic form or both forms; and
 - (e) state that the decision is final and binding subject to the possibility of judicial review by petition of dolence.
- (8) If it appears to the Chief Secretary that a CS decision notice contains a relevant error, the Chief Secretary must give a new notice (“a correction notice”) to every person mentioned in paragraph (11) setting out the text of any correction subject to which the decision notice is to be read.

¹ Tynwald may annul the decision of the Council of Ministers at the sitting in which that decision is laid or in the subsequent sitting – see section 11(2) of the Town and Country Planning Act 1999

- (9) A relevant error is—
- (a) an error of grammar, spelling or syntax;
 - (b) an incorrect citation of applicable legislation;
 - (c) an obviously incorrect cross-reference;
 - (d) a clerical error or omission; or
 - (e) an error made in transcription or expression.
- (10) Once a correction notice has been given, the original decision notice is to be treated for all purposes as if it had been made in the corrected form and, for the purposes of computation of time for judicial review by a petition of dolance, has effect as if the original decision notice had been made on the date on which the correction notice is given.
- (11) The persons referred to in paragraph (2), (4), (5), (6) and (8) are —
- (a) the Department;
 - (b) the applicant (if not the Department);
 - (c) the local authority in whose district the land is situated;
 - (d) any person who is requested by the planning inspector to provide technical advice; and
 - (e) any person who has made written representations with respect to the application.

PART 3 – MINOR CHANGES APPLICATIONS

DIVISION 1 - GENERAL

21 Minor changes applications: General

- (1) Only one minor changes application may be made in respect of any particular grant of planning approval.
- (2) A minor changes application —
- (a) must relate to a grant of planning approval in respect of a building;
 - (b) must specify what minor changes are being sought and why the applicant considers them to be of a minor nature;
 - (c) cannot include an application to change the terms of a grant of planning approval so as to do any of the following—
 - (i) to increase the number of dwellings or buildings for which planning approval has been granted;
 - (ii) to increase the net external footprint of a building for which planning approval has been granted;

- (iii) to alter the site for which planning approval has been granted and which was defined by a red line on the site location map (see Schedule 1), by changing that line;
- (iv) make material changes to the vehicular access arrangements for which planning approval has been granted;
- (v) to alter the conditions (if any) which have been imposed;
- (d) cannot be made —
 - (i) earlier than 21 days beginning with the date the applicant is given the planning decision notice issued under article 9;
 - (ii) where an appeal has been lodged under Division 3 of this Part 2, until that appeal has been determined; or
 - (iii) if the duration of the planning approval, determined under article 26, has expired.

22 Minor changes applications: Application bundle

- (1) A person applying for a minor change to a grant of a planning approval must give the Department two copies of an application bundle consisting of the documentation referred to in paragraph (3) and, where relevant, paragraph (6).
- (2) A person referred to in paragraph (1) need only give the Department one copy of an application bundle when giving it by electronic means.
- (3) The application documentation referred to in this paragraph is —
 - (a) an application form supplied by the Department, completed by the applicant;
 - (b) such other documentation referred to in that form not also particularised in Schedule 1; and
 - (c) the particulars specified in Schedule 1.
- (4) An application must be accompanied by the fee payable for such an application as prescribed in an order made by the Department under section 81 of the Interpretation Act 2015.
- (5) Where paragraphs (3) and (4) are not satisfied, the Department may return the application (together with the appropriate fee) to the applicant and is not required to take any further action in respect of it.
- (6) The application documentation referred to in this paragraph is such further particulars as the Department may, at any time before the final determination of the minor changes application, direct to be given in any particular case.
- (7) Where paragraph (6) applies, the particulars in question must be given by a date specified in the direction.

