



infrastructure

bun-troggalys

# **Planning and Building Control Division**

## **Initial Summary of Responses**

### **Draft Planning Policy Statement Planning and the Economy**



**Isle of Man  
Government**

*Reiltys Ellan Vannin*

## Introduction

1. The Draft Planning Policy Statement Planning and the Economy was published in February 2012 as a means to help clarify the policies contained within the Isle of Man Strategic Plan. The role of the Draft PPS is to ensure that there is understanding between all those involved in the planning process as to how the economic benefits of a proposed development will be taken into account in the assessment of planning applications. These benefits will be weighed up against all other material considerations in line with the existing planning policy framework. As such, the Draft PPS does not represent a new policy approach, it merely clarifies existing policy and objectives of the Strategic Plan.
2. This initial summary of responses document provides a brief overview of the consultation process and analysis of all responses received during the consultation exercise. In line with the Isle of Man Government Code of Practice on Consultation (2008; "the Code"), this initial summary has been produced within three months of the closing date of the consultation (consultation closed 4<sup>th</sup> May 2012).
3. The Draft PPS was introduced by Minister Cretney, Minister for Infrastructure on 21<sup>st</sup> February 2012 in the budget speech in Tynwald, where he stated that he was "publishing a Draft Planning Policy Statement setting out how planning will take into account the issues I have just highlighted in the determination of planning applications and the interpretation of the Strategic Plan" (full speech available at - <http://www.tynwald.org.im/business/hansard/Pages/ByYear20002020.aspx>).
4. There is no legislative requirement for the Department to prepare a Draft PPS. The "need" for the introduction of the Draft Planning Policy Statement was based on the general perception that the assessment of planning applications did not adequately take into consideration the economic benefits arising from developments. This perception was often expressed informally and anonymously in a variety of forums and as such is not readily documented.

## The Consultation Exercise

5. This consultation began on 21<sup>st</sup> February and ran until 3<sup>rd</sup> April 2012. It was then extended from 5<sup>th</sup> April until 4<sup>th</sup> May 2012, allowing in total, 10 weeks for public consultation. Although there were a number of late responses received, in light of the interest generated and in the spirit of openness, transparency and democracy, the Minister for Infrastructure decided on a one off basis to accept them. This 10 week period exceeded the requirement by the Isle of Man Government for consultation as outlined within the Code.

6. The Draft PPS was developed by the Planning and Building Control Division of the Department of Infrastructure, in collaboration with representatives from the Department of Economic Development. A number of press releases and coverage in the local media made the public aware that the document was available for consultation, and it was listed on the main Government website within the Current Consultations section.

## The Responses

7. The analysis of all the responses received has been undertaken in line with the Consultation Criterion 4 of the Code "Give feedback regarding the responses received and how the consultation process influenced the policy. Responses should be carefully and open-mindedly analysed". Whilst all responses have been carefully analysed, not all their contents will be included within this report. It is acknowledged that a number of responses were received from representative bodies.
8. As stated within the Code, "The purpose of the consultation is not a referendum, but an information, views and evidence gathering exercise from which an informed decision on the content of the final version of guidance can be made" - this is relevant to note in the context of the more detailed breakdown of responses below.
9. There were a total of 150 responses received in respect of this consultation exercise.
10. Those who have openly supported the PPS, have generally responded with much shorter responses, in many cases, setting out how an improved planning system would benefit their company and their interests, and indeed, the overall economy.
11. While those who have concerns at the immediate implementation of this Draft PPS have, in many cases, written lengthy responses outlining clearly what their reservations are. Many of the respondents have provided specific suggested amendments to the actual wording and content of the document which will all be considered in due course when the final report on the consultation has been completed and the Draft PPS will be reviewed in light of this.
12. A further report with a more detailed analysis will follow which will aim to summarise in greater detail the main points made by both supporters and opponents to this consultation, and where possible provide further clarification of the Department's position in relation to this. This is permitted by the Code which states "A summary of responses is sufficient to satisfy the Code. It does not prohibit more detailed feedback being given but is thought to be a practical option if a large number of responses have been received".
13. Responses received were mixed in their opinions towards the Draft PPS. While there was a significant number that openly supported it, there was slightly more that did not support it (see Chart 1 below). These figures reflect those responses who either explicitly indicated their support or otherwise to the Draft PPS and those responses where it was possible to illicit their support or otherwise through the analysis. There

were a number of responses which were not clear of their stance in relation to the Draft PPS, so these are not included in the these figures.

14. A significant number of responses contained comments, concerns and proposed amendments to the draft PPS (101 of the 150 total). These are shown below in Chart 2 (\*rounded to nearest whole number).

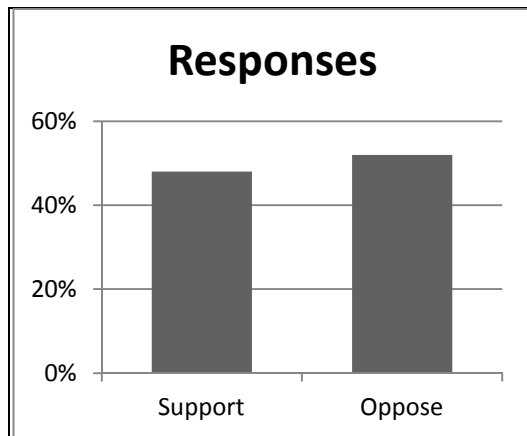


Chart 1 Breakdown of Responses

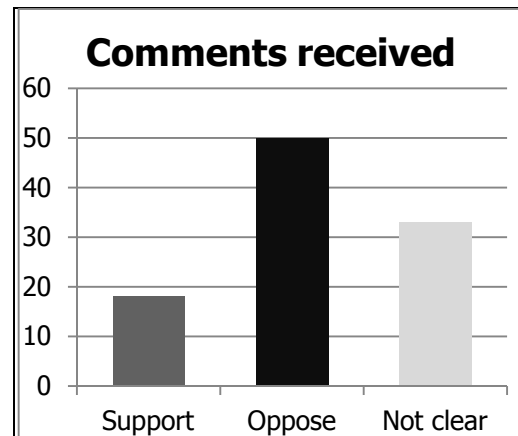


Chart 2 Breakdown of comments received

15. As indicated earlier, it is acknowledged that a number of responses were received from representative bodies, which would be masked within these figures as responses have not been weighted in any way.
16. There was a general consensus from respondents that there should be a strong, stable and productive economy, and that a fast, efficient and responsive planning system would be desirable. However, many respondents have expressed concern that they are not in favour of short term economic gain over longer term environmental damage as a result.
17. There is overriding concern from many of the respondents of where this Draft PPS sits within the existing planning policy framework. The current legislation for planning, the Town and Country Planning Act 1999 sets out that "Every planning policy statement shall be in general conformity with the development plan; and in case of any inconsistency between a planning policy statement and the provisions of the development plan, those provisions shall prevail" (Article 3(4)). This will apply to this Draft PPS.
18. There was perhaps a misunderstanding by some that this Draft PPS was aiming to introduce new policy, and take it further than what is permitted within the context of the Strategic Plan. The Minister's Introduction to the Draft PPS Planning and the Economy sets out that the aim of this document is to clarify the interpretation of the Island's Strategic Plan. It does not introduce new policy, rather, it aims to ensure all applicants are aware of how planning applications are considered and how decisions are made particularly for applications which will provide significant economic benefits. The Town and Country Planning Act 1999 and the Draft PPS clearly sets out that all material considerations must be taken onboard by the Planning Officers when compiling their recommendations for consideration by the Planning Committee;
19. (10) (4) "In dealing with an application for planning approval or an application under subsection (3), the Department shall have regard to –

- (a) The provisions of the development plan, so far as material to the application,
  - (b) Any relevant statement of planning policy under Section 3;
  - (c) Such other considerations as may be specified for the purpose of this subsection in a development order, so far as material to the application and
  - (d) All other material consideration".
20. There was concern expressed that although the current, existing planning framework may not be ideal, it has been appropriately tested in the public arena. This will often include extensive public consultation, Public Inquiries with ample opportunities for individuals to submit their views to an independent Inspector, and ultimately, debated and approved in the court of Tynwald, whereas this Draft PPS has not had that experience. There is concern that this Draft PPS does not afford the Manx residents the same opportunities as they have previously had (eg satisfactory public consultation exercises and Public Inquiries), and some feel that this Draft PPS is undemocratic.
21. There is also concern from respondents that by encouraging Planning Officers, Planning Committee and Independent Planning Inspectors to favour applications which could deliver economic benefits in areas outside those identified for specific uses through the Area Plan process, we are beginning to create a two tier planning system.
22. There appeared to be a level of uncertainty amongst respondents with regards to the reference within the Draft PPS of a "presumption in favour of development". It is useful to clarify that this is not a new notion for planning. This idea has been implemented throughout the planning process for many years, directing development to the most appropriate locations, as identified within the Development Plan. Although this principle is not specifically stated within the Town and Country Planning Act 1999, General Policy 2 of the Strategic Plan states "Development which is in accordance with the land-use zoning and proposal in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development..." which hereby implements this principle. The Development Plan consists of two parts; a Strategic Plan and one or more Area Plans.
23. The role the Department of Economic Development will play for applications which have the potential to deliver significant economic benefits was raised by many respondents; some supporting this notion, others questioning what in practice this would mean. In addition to this, the proposed preparation of an evidence base was also raised. Again, while this was supported in many responses, many asked for further information and clarification on what this would be, and requested that both the criteria and subsequent analysis be made available for public scrutiny. This will require further consideration, and will be included in the more detailed report.
24. It is envisaged that many of the environmental and social concerns raised by some respondents can potentially be addressed and further clarified in the more detailed report which will follow this summary.
25. Finally, there were a number of issues raised in the responses which were deemed to fall outside the remit of the contents of the Draft PPS. These will be referenced within the more detailed report to follow, and where possible, a Departmental position will be supplied to satisfy the respondents that their issues have been considered.

## Next steps

26. The analysis on the responses will continue, and a more detailed report will be published as soon as possible. Subsequently, in light of the analysis of all responses, it will be necessary to review the Draft PPS content. This will be done in close collaboration with the Planning and Building Control Division and the Department of Economic Development.
27. The Department is committed to the issue of a final PPS which will continue to reflect the reason for its development and its implementation. The Department will ensure, if necessary, supplementary guidance is produced to accompany it.

## Conclusion

28. This summary provides an overview of some of the responses received in respect of this consultation and aims to clarify some of the issues raised by respondents. A more thorough analysis of the responses is underway and will be made available once completed. The Department is committed to the production of a final PPS which will reflect the reasons for its development and implementation, and will make this available once a thorough analysis has been undertaken.

## Appendix 1 List of Respondents to the Consultation

	<b>Isle of Man Government</b>
1	Isle of Man Constabulary
2	Department of Social Care Housing Division
3	Department for Community Culture and Leisure
4	Manx National Heritage
5	Manx Electricity Authority
6	Department of Environment, Food and Agriculture
7	Department of Economic Development
8	Office of Human Resources
	<b>Total 8</b>
	<b>Commissioners</b>
9, 10	Marown Parish Commissioners
11	Laxey Village Commissioners
12	Maughold Parish Commissioners
13	Braddan Parish Commissioners
14	Michael Parish Commissioners
15	Onchan District Commissioners
16	Castletown Commissioners
17	Port Erin Commissioners
18	Patrick Parish Commissioners
19	Jurby Parish Commissioners
20	Ballaugh Parish Commissioners
21	Andreas Parish Commissioners
22	Arbory Parish Commissioners
23	Rushen Parish Commissioners
	<b>Total 15</b>
	<b>Political Representatives</b>
24	Eddie Teare MHK
25	Juan Watterson MHK
26	Alfred Cannan MHK
27	Richard Ronan MHK
28	Tony Wild
	<b>Total 5</b>
	<b>Organisations</b>
29	The Society for the Preservation of the Manx Countryside and the Environment
30	The Isle of Man Natural History and Antiquarian Society
31	Isle of Man Friends of the Earth
32	Isle of Man Construction Forum
33	Castletown Golf Links
34	Nicholson Group
35	Magee & Co Chartered Quantity Surveyors
36	Manx Wildlife Trust
37	Cemex Island Aggregates
38	Isle of Man Employers' Federation
39	Colas Holdings (IOM) Ltd
40	Save Camlork Committee

## Initial Summary of Responses - Draft PPS Planning and the Economy

41	APA Architects
42	Ballawattleworth Action Group
43	Ramsey Heritage Trust
44	Dandara
45	Planning Mann
46	Peel Land & Property
47	Curragh Environmental Consultancy
48	Window World
49	Sovereign Properties
50	Manx Telecom
51	Derbyhaven Residents' Society
52	The Isle of Man Victorian Society and SAVE Mann's Heritage
53	JCK (J. W. Cubbon)
54	Paul Bergin B Consulting
55	Hugh Logan Architects
56	Savage Chadwich
57	Colas Holdings (IOM) Ltd
58	Live and Work Hotels
59	Harding Lewis Limited
60	Manx 2
61	Complete Construction Services Ltd
62	MannBenham Advocates Limited
63	Celton Manx Limited
64, 65, 66	Auldyn
67	AFD Software
68	2e2
69	Douglas Development Partnership
70	LT Uglund Management Limited
71	NK Construction
72	Cornerstone Architects
73	Horncastle Thomas
74	Manx NFU
75	RLC Ronaldsway
76	Boston
77	Isle of Man College
78	Hartford Homes
79	Transition Isle of Man
80	Isle of Man Chamber of Commerce
81	H. Richmond Limited
82	Douglas Borough Council
	<b>Total 54</b>
	<b>Individual Submissions</b>
83	John Keggins
84	Michael Fayle
85	Albert Ravey
86	John Payne
87	Eddie Craine
88	Timothy Roberts
89	Pete & Jan



## Initial Summary of Responses - Draft PPS Planning and the Economy

90	Muriel Garland
91	S J Martin
92	Marion Ashcroft
93	Ian Bleasdale
94	Steven Wright
95	Lord J Curwen
96	Gwen Tuck
97	Richard Davis
98	David Sykes
99	Chris Sharples
100	Dr C W Gawne
101	Peter Norris
102	John Kermode
103	Paul Fisher
104	Andrew and Sally Roberts
105	Richard Norris
106	Charles Faragher
107	Mike Devereau
108	Patricia Newton
109	W J C Kelly
110	Thomas Chapman
111	Dr Kilmurry
112	Brenda Jones
113	Gerry Radcliffe
114	Andrew Jessop
115	Mr and Mrs Vernon
116	Mr Jones
117	Dr Naylor
118	John Slater
119	John Sullivan
120	Arthur Radcliffe
121	Iain and Marjorie Forrest
122	Tristram C Llewellyn Jones
123	W R Tomlinson
124	B L Woods
125	Catherine Wooding
126	I Manna Bairstow
127	D L Bairstow
128	M Reubens
129	R. A. Brown
130	A. L. Ian Cottier
131	Bob Moon
132	Norman and Joan McKibbin
133	Mrs M. I Kerruish
134	Mike Henthorn
135	J M Watson
136	Anonymous submission
137	Dave Comish
138	R F Riding
139	Deb Bryon

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140	Alan Croll
141	E A Kelly
142	M E Kelly
143	Lars T Ugland
144	Nick Pinder
145	Kevan Gelling
146	J E Tomlinson
147	Alice Quayle
148	Thurston Arrowsmith
149	Hamish Killip
150	Chris Thomas
	<b>Total 68</b>