High Level Strategic Review of Planning in the Isle of Man

A Report by the Council of Ministers

July 2016
Contents

Introduction .................................................................................................................. 4
The High Level Strategic Review of Planning in the Isle of Man ............................... 5
Conclusions .................................................................................................................. 7
Recommendations ....................................................................................................... 8
Appendix 1 – Report by Envision
‘High Level Strategic Review of Planning in the Isle of Man’ .................................. 9
Introduction

To the Hon Clare Christian MLC, President of Tynwald, and the Hon Council and Keys in Tynwald assembled

Towards the end of 2015 the Environment and Infrastructure Sub-Committee of Council of Ministers agreed to undertake a High Level Review of Planning in the Isle of Man. The aim of the review was agreed as follows:

The overall aim of the review is to identify a planning system which has the ability to respond in a timely manner to the evolving needs of the Island whilst continuing to provide reassurance that the system is fair, transparent and free from abuse.

The initial stage of the Review included the following:

- An assessment of the system here and how it compares to neighbouring jurisdictions, including those outside of the United Kingdom;
- Two facilitated sessions, one with officers and one with politicians to establish the key principles of the system that we want to move towards.
- A report which sets out findings from stages 1 and 2 and provides recommendations on how the system should be changed to meet the overall aim set out above.

Envision, a planning consultancy based in the north-west of England was appointed to assist in this initial stage of work. The full report prepared by Envision is appended to this report.

At the same time as this initial stage of the review was being undertaken, a Tynwald Select Committee was carrying out work in response to a Petition of Redress relating to Planning and Building Control. The Select Committee’s report has now been published and a number of its recommendations seek for the later phases of the strategic review of planning to consider the issues raised. Council is committed to responding to the relevant issues raised by the Select Committee’s report in the subsequent stages of the review.

The Environment and Infrastructure Sub-Committee was keen to ensure that Tynwald be provided with an update on the progress of the review and that the findings of the first stage of work be available to assist the new administration in considering how to reform the planning system.

This initial report provides an update on progress made so far and seeks Tynwald’s endorsement for further work to be undertaken. I hope that Members find it interesting and that the new administration is able to continue this work in order to evolve our planning system so that it better meets the needs of and benefits the whole community.

Hon. J. Shimmin
Minister for Policy and Reform
The High Level Strategic Review of Planning in the Isle of Man

1. An important consideration in preparing the project specification for the review was the need to ensure that the review was at a sufficiently high level to allow all aspects of the planning system to be included. This will help to ensure that any subsequent changes to our planning system that are agreed form part of a wider context, taking account of how these may impact on other parts of the system. Moreover, it was recognised that with the general election on the horizon, a balance needed to be struck to ensure that the findings of the review will form a helpful tool for the new administration when considering how it may seek to reform the planning system.

2. Part A of the report by Envision provides an overview of the Isle of Man planning system including the current legislative framework, how the system operates and a summary of its key features.

3. Part B of the report provides a comparison with other planning systems operating in the UK, the crown dependencies of Jersey and Guernsey, Ireland, Hong Kong and South Australia.

Key Principles

4. Part C of the report looks at the need for reform of the current system. The review adopts an approach of identifying Key Principles that will underpin a modern planning system, defining what the system is and acting as a benchmark for what it can seek to achieve. These principles reflect the issues raised by politicians and officers in the facilitated sessions undertaken as part of this initial stage of the review. The key principles that our planning system should meet are set out as follows:

   1) Be flexible and responsive to change
   2) Be effective
   3) Be transparent, fair and free from abuse
   4) Be proportionate
   5) Be simple and easy to use
   6) Involve people
   7) Meet the needs of, and benefits the whole community

5. It is proposed that these Key Principles be adopted and used to direct the further stages of the review and any subsequent reforms to the Island’s planning system.

Key Messages

6. The review summarises the ‘key messages’ that emerged from the facilitated sessions which assist in providing direction on how we might seek to reform the planning system. These are linked to the Key Principles set out above. The resulting Key Messages identified are as follows:

<table>
<thead>
<tr>
<th>Key Principle</th>
<th>Key Message</th>
</tr>
</thead>
<tbody>
<tr>
<td>Be transparent, fair and free from abuse</td>
<td>Define the role of politicians in the planning process.</td>
</tr>
<tr>
<td></td>
<td>Depoliticise the planning application</td>
</tr>
</tbody>
</table>
| Be flexible and responsive to change | Prioritise major applications: local versus national.  
Reform legislation to provide flexibility and simplification, and to define the role of politicians in making guidance. |
| Be proportionate | Simplify the planning system through greater use of permitted development, reform of use classes and increased use of development orders. |
| Be simple and easy to use | Make the planning system more accessible and easier to understand for everyone – all documents to be simplified. |
| Be effective | Improve strategic planning and infrastructure planning and delivery.  
Provide greater resources to deliver a modern, simple, responsive and effective system. |
| Involve people | Improve the way public engagement takes place. |
| Meet the needs of, and benefits the whole community | This Key Principle relates to all of the Key Messages set out above. |

7. As can be seen from these Key Messages, issues such as the need for the planning system to better respond to changing circumstances are identified as is the concern that the planning application process needs to be depoliticised.

8. It is proposed that these Key Messages also be adopted and used to inform the further stages of the review and the direction of travel for how the system is reformed.

9. Part D of the report looks at potential reforms to the system that could be undertaken and Part E sets out conclusions and recommendations. It is considered that these sections of the report provide useful information that will inform the next stages of the review however more work is needed to determine the most appropriate way forward to reform the planning system including testing of how any changes meet the key principles, public consultation and the formation of a formal programme of actions required. Accordingly, it is recommended that these conclusions and recommendations be noted rather than being agreed at this stage and that further work be undertaken to allow the new administration to be provided with options for how the planning system could be reformed which meet the agreed Key Principles and Key Messages set out in this stage of the review.
Conclusions

10. The initial stage of the High Level Strategic Review of Planning in the Isle of Man provides a set of Key Principles that if adopted will provide a framework to guide change and reform of the Island’s planning system. Furthermore, the Key Messages that have been identified from the facilitated sessions set the potential strategic direction for change including the need for a more flexible and responsive system which is more transparent.
Recommendations

11. Council of Ministers recommends that Tynwald receives the report by Envision ‘High Level Strategic Review of Planning in the Isle of Man’ and approves:-

i. That the following Key Principles and Key Messages be used to direct any future reform of the Island’s planning system:

<table>
<thead>
<tr>
<th>Key Principle</th>
<th>Key Message</th>
</tr>
</thead>
<tbody>
<tr>
<td>Be transparent, fair and free from abuse</td>
<td>Define the role of politicians in the planning process.</td>
</tr>
<tr>
<td></td>
<td>Depoliticise the planning application process.</td>
</tr>
<tr>
<td>Be flexible and responsive to change</td>
<td>Prioritise major applications: local versus national.</td>
</tr>
<tr>
<td></td>
<td>Reform legislation to provide flexibility and simplification, and to define the role of politicians in making guidance.</td>
</tr>
<tr>
<td>Be proportionate</td>
<td>Simplify the planning system through greater use of permitted development, reform of use classes and increased use of development orders.</td>
</tr>
<tr>
<td>Be simple and easy to use</td>
<td>Make the planning system more accessible and easier to understand for everyone – all documents to be simplified.</td>
</tr>
<tr>
<td>Be effective</td>
<td>Improve strategic planning and infrastructure planning and delivery.</td>
</tr>
<tr>
<td></td>
<td>Provide greater resources to deliver a modern, simple, responsive and effective system.</td>
</tr>
<tr>
<td>Involve people</td>
<td>Improve the way public engagement takes place.</td>
</tr>
<tr>
<td>Meet the needs of, and benefits the whole community</td>
<td>This Key Principle relates to all of the Key Messages set out above.</td>
</tr>
</tbody>
</table>

ii. That further work is undertaken in order to provide the new administration with options for how the planning system could be reformed which meet the agreed Key Principles and Key Messages set out in this stage of the review.
Appendix –
Report by Envision 'High Level Strategic Review of Planning in the Isle of Man'
High level strategic review of planning in the Isle of Man

May 2016
# Contents

1: Introduction .......................................................................................................................... 1

Part A: Review of Isle of Man planning system ................................................................. 4

2: A brief summary of the key features of the Isle of Man planning system ................. 4

Part B: Comparison with other planning systems ............................................................... 13

3. Introduction ......................................................................................................................... 13

4. Detailed comparison with England, Scotland, Wales, Northern Ireland, Guernsey and Jersey ........................................................................................................ 13

5. Summary of comparison ..................................................................................................... 31

6. Planning in Ireland and looking further afield ............................................................... 32

Part C: The need for reform of the planning system ............................................................ 43

7. Planning's role in the government's wider strategy ........................................................... 43

8. Developing the key principles of the planning system ...................................................... 44

9. Understanding the views of officers and politicians ......................................................... 46

10. Key issues and challenges .................................................................................................. 62

Part D: Potential Reforms ..................................................................................................... 69

11. Developing the revised key principles of the planning system ....................................... 69

12. Potential Reforms ............................................................................................................. 75
Part E: Our conclusion and recommendations ........................................... 90

13. Conclusion .............................................................................................. 90

14: Recommendations .................................................................................. 91

Appendices

Appendix 1: Summary of Current Planning Systems
1: Introduction

What we have set out to do in this report

1.1 Envision has been commissioned by the Isle of Man Government to undertake a high level strategic review of planning, the agreed aim of which is:

"to identify a planning system which has the ability to respond in a timely manner to the evolving needs of the Island whilst continuing to provide reassurance that the system is fair, transparent and free from abuse".

1.2 In this report we set out a summary of our findings, having undertaken that review. The report is set out in four parts:

- Part A is our assessment of the Isle of Man planning system.
- In Part B we compare that planning system to neighbouring jurisdictions, including those inside the United Kingdom, and the crown dependencies of Guernsey and Jersey. We identify the ‘key features’ of the different planning systems and highlight notable differences. We seek to draw out any examples of ‘best practice’ approaches that the Isle of Man may draw on in the future, in taking forward its own planning system. To give a bit of a wider perspective we also look at some examples of interesting approaches to planning, from further afield, such as Hong Kong.
- In Part C we explore the role of planning in the government’s wider strategy and examine the views of officers and politicians from the Isle of Man Government, with particular reference to drawing up a list of ‘key principles’ which the Isle of Man Government want to move towards. We report back on two facilitated sessions that took place, highlighting issues and points of interest.
- In Part D we look in more detail at the potential for reform of the planning system, setting out some options, and examine what a reformed system may look like.
- In Part E we draw things together and provide recommendations on how the system should be changed to meet the overall aim set out above.

1.3 In May 2016, in the middle of the preparation of our report, the Select Committee on Planning and Building Control issued a report, which addressed a Petition for Redress, first noted by Tynwald in 2014. The Select Committee had been called upon by Tynwald to report "...on any ambiguity or weaknesses in practices and laws relating to planning, building control, and connected matters". The report includes a number of recommendations relating to planning. Whilst much of it deals with very detailed matters falling
outside the direct remit of this initial stage of this high level review, we have
used its contents to inform this review where appropriate.

Planning's wider context

1.4 Planning sits within a wider legislative framework, for example dealing with
pollution control. This ‘framework’ is one which is broadly similar in all the
jurisdictions in the British Isles, although the details will necessarily differ.
Planning also sits within a broader economic, social and environmental
context.

1.5 This report looks solely at the planning system. It is however important,
particularly when looking at possible changes to the planning system (as we
do later in this report), that this context and these legislative linkages are
borne in mind. Changes to the planning system will only be beneficial if they
serve a useful purpose and fit within the context of how the Isle of Man sees
its future development. Changes to the planning system could have impact on
the operation of other related legislation. We will make a specific
recommendation, towards the end of this report, to ensure that this 'caveat' is
taken into account by the government.

Do we even need a planning system?

1.6 If you ask anyone the question: ‘Why do we need a planning system?’, people
will give you a range of responses. Of course some people will say that we do
not even need a planning system. This is a perfectly legitimate point of view. It
is not part of the remit of this review to assess whether planning should exist
at all. This is a question that most societies have asked at some point and
most have concluded that there is a place for some form of planning system,
although these can differ greatly in form and purpose.

1.7 Most people when responding to your question will tell you why planning is
needed. They may mention the need to protect the countryside and
environment from over-development and pollution. They may talk about the
need to be protected from their neighbour who wants to build an extension
which will mean that their garden is overlooked. They may be a shopkeeper
who wants proactive policies that mean that he is not surrounded by empty or
neglected properties. They may be a developer who wants a consistent
approach, so that she is treated exactly the same as her competitors.
Whatever the individual’s priorities, there is usually an assumption of the need
for some sort of control of development, on whatever scale, and the necessity
therefore for an agreed and established framework within which this control
can be imposed.
1.8 Ask people to then describe what this system should look like and responses start to vary, depending on the perspective of the individual. The conservationist may favour a system that is rigid and inflexible, and which has an outright ban on any development outside of urban areas irrespective of any positive economic advantages to the general population. The neighbour wants a system that is transparent and fair to everyone. The shopkeeper needs a system that is able to respond and protect the bigger picture: his town centre. The developer wants a system that provides consistency and a degree of certainty, to enable her to make investment decisions more easily.

1.9 Any planning system aims to be responsive, flexible, transparent, fair and effective at encouraging development in a way that is sustainable: for ourselves and future generations. But what constitutes an ‘ideal’ planning system will differ according to your perspective. This review aims to examine the existing planning system in operation in the Isle of Man, compare this to how planning works within other countries to see if there is anything to learn, and explore the advantages of taking different approaches in some areas.

1.10 The Isle of Man is in a favourable position in being free to shape its own system. It can, if it wishes, completely rewrite the long established ‘fundamentals’ of what planning does and how it does it. It can alternatively decide to reform and improve on what it already has. It can ‘cherry pick’ from best practice elsewhere. In whatever way the government decides to take the planning system forward, we would offer one major thought: you have choices and considerable opportunity to ensure that your planning system is effective and works for the island’s people.
Part A: Review of Isle of Man planning system

2: A brief summary of the key features of the Isle of Man planning system

The legislative framework

2.1 The Isle of Man, as a crown dependency, has its own legislation underpinning its own planning system. It is interesting to note, therefore, that because the government has complete control over its own legislative framework, it is free to revise that framework to suit its own evolving needs and vision. This is important as it empowers government to ensure that the planning system is, and remains, fit for purpose. More detailed investigation might reveal current gaps and the potential for revising and improving that system.

2.2 The core legislation, the Town and Country Planning Act 1999, is now quite old. It sets out a framework for the planning system for the Isle of Man which has much in common with those in UK countries. As such it:

- defines 'development', and sets out the processes, special controls, and other regulations and provisions
- requires that all development requires approval, although some forms of development do not need to be the subject of a planning application
- provides for preparation of development plans and describes the basic process
- provides for special controls for buildings of special architectural and historical interest and conservation areas
- requires control over advertisements
- provides for enforcement
- provides for appeals.

2.3 There are a number of items of secondary legislation which provide further detail with regard to procedures, permitted development and advertisement regulations. Much of the current system was brought into operation in 2005. More recent revisions of secondary legislation have focused on clarification, encouraging further speed in the process and reflecting changing circumstances. Legislation has not been consolidated.
Governance and organisation

2.4 The Isle of Man operates a single tier planning system with the government undertaking the different elements of the planning function as shown in Figure 1.

[Diagram showing organisational responsibility for land use planning]

- Tynwald
  - makes primary legislation
  - approves secondary legislation
  - confirms decisions made by Council of Ministers (CoMin) on "called in" applications

- Cabinet Office
  - Planning Policy Team
    - prepares planning policy statements and lays them before Tynwald
    - prepares development plans, including strategic and area plans
    - designates conservation areas
    - prepares development orders
  - Planning Appeals Administrator
    - processes planning appeals. Independent inspector’s report is provided to DEFA Minister for consideration and decision.

- Council of Ministers (CoMIN)
  - makes decisions on "called in" planning applications
  - makes decisions on applications made by department that planning and building control sits within (DEFA)
  - appoints members of independent planning committee

- Department of Environment, Food and Agriculture
  - Development Management Team
    - makes decisions on delegated planning applications and makes recommendation to independent planning committee
    - deals with registered building matters
    - deals with enforcement matters
  - Prepares development procedure orders

- Independent Planning Committee
  - determines planning applications

Figure 1: Isle of Man organisational responsibility for land use planning
2.5 The Isle of Man has a limited party political system; most elected politicians are 'independents'. The leader of its government, the Chief Minister, is chosen by Tynwald after each general election. The Chief Minister together with eight Ministers make up the Council of Ministers (CoMin) and they head the various government departments. This is the central executive body which is accountable to Tynwald.

2.6 In recent years, the planning service has been restructured, with responsibility for planning policy relocated to the Cabinet Office. The 'planning and building control' function is located in the Department of Environment Food & Agriculture (DEFA).

2.7 Local government is based on the Isle of Man's ancient parishes. It is important to note that the local authorities are not local planning authorities. They fall under the supervision of the government's Department of Infrastructure. There are two types of local authorities: there are ‘Town Authorities’ and ‘Rural Parish Authorities’.

**Strategic and local planning and guidance**

2.8 The current system is ‘plan-led’ with planning policy set out in a development plan and supplementary guidance. Under the terms of the 1999 Act, the ‘Development Plan’ is made up of both a ‘Strategic Plan’ and one or more ‘Area Plans’. All statutory plans require approval by Tynwald. The government is moving towards an ‘Island Development Plan’ as set out in the Act but is not there yet.

2.9 The current Development Plan comprises two elements:

- the Strategic Plan (setting out overarching strategic policies)
- a series of Local Plans (to include more detailed site specific proposals)

2.10 The Strategic Plan has recently been updated (2016) and contains the ‘Strategic Aim’ which is consistent with the aims and objectives of the Agenda for Change, the current government plan, which in turn flow from the government's core purpose, 'to maintain and build on the high quality of life enjoyed by the island's community.'

2.11 The Strategic Plan:

- sets out plans for the efficient and effective provision of services and infrastructure on the island
• directs and controls development and the use of land to meet the community's needs
• aims to preserve, protect and improve the quality of the environment, having particular regard to the unique natural, wildlife, cultural and built heritage
• provides an updated plan period (2011 to 2026)
• sets out policies relating to housing numbers and spatial distribution.

2.12 The intention is to produce four up to date areas plans covering the island. The ‘Area Plan for the South’ was approved in 2013, and provides more detailed proposals for specific sites covering uses such as housing, employment and retail together with landscape and environmental controls. Work will progress on the other three area plans. The current intention is to produce the area plan for the east by 2017 and those for the north and west will follow. We understand that the latter two plans may be joined together into a single plan). In the absence of more detailed and up to date area plans for a large part of the island, policy is in place through a series of local plans (ten in total), plus the 1982 Development Plan for everywhere not covered by a local plan.

2.13 As a result, the development plan framework, particularly with regard to more specific site proposals, is now quite dated, the implications of which are considered further in Section 9 of this review.

Guidance

2.14 In addition to the development plan, further policy guidance is available in the form of:

• planning circulars
• planning policy statements
• interim planning guidance.

2.15 Various circulars were prepared between the late 1980s and late 1990s in relation to specific development control issues such as shop fronts and provision for the disabled.

2.16 Planning Policy Statements (PPSs) have been prepared more recently. At present there is only one PPS in operation (Conservation of the Historic Environment) but there are also a number of draft PPSs covering issues relating to the economy, flooding and landscape character. Interestingly, the draft PPSs are also used to varying degrees as material considerations in planning applications, but have not yet been laid before Tynwald.
2.17 In the absence of up to date, site specific policies, interim guidance in the form of the Central Douglas Masterplan has been produced for key town centre sites in Douglas (2015) to assist in their redevelopment. A development brief has also been prepared for the former Victoria Road prison site (2014). Both of these have been produced in advance of the Area Plan for the East. Their production highlights the need for more up to date area based policy.

Development management

2.18 As outlined above, legislation has been put in place to safeguard and enhance the environment, and to ensure that conflicting pressures for land use are dealt with in the best interests of the community. Planning legislation defines the scope of development, and then resolves how development will be dealt with through the planning system, that is, by either requiring a planning application, or granting approval through a Development Order. It tries to achieve the right balance between encouraging developments which provide homes, jobs and services for the community and protecting the special features of the towns, villages and countryside.

2.19 Development management includes both the determination of planning applications and the undertaking of planning enforcement. It also deals with related types of consent, for example those dealing with heritage assets. A significant part of the work undertaken by development management team is the proper consideration of planning applications. Applications are determined in accordance with the adopted policies contained in the development plans and any relevant guidance.

2.20 The key features of the current development management system are:

- permitted development
- planning applications
- appeals
- heritage
- enforcement.

2.21 These are explained in more detail below.

Permitted development

2.22 The need for applications for planning approval has been removed from the following:
• a limited range of development types, as set out in a number of (unconsolidated) development orders
• a system of permitted change of use within a limited range of use classes
• development orders for defined areas.

Planning applications

2.23 The main features of note are:

• Approximately 1,400 applications are dealt with each year.
• In the period from May 2015 to April 2016, 79% of applications were determined within 8 weeks and 91% within 13 weeks.
• Many planning applications are relatively minor in nature and non-contentious.
• A system of delegation to officers is in place.
• Decisions on the majority of applications are delegated.
• There is an independent planning committee which does not include politicians, apart from the one member of the House of Keys.
• The Department’s own applications are determined by CoMin after an independent inquiry.
• ‘Call in’ powers exist but are rarely used (only twice in 17 years).

Appeals

2.24 There is a right of appeal against the decision of the planning authority, either by the applicant or by third parties. Third party status applies to those who are considered to have sufficient interest in a site. This is a system not common in other planning systems and can involve a decision to approve not just one to refuse.

2.25 Appeals are considered either by written representations or at a hearing by an independent inspector appointed by CoMin. The inspector’s findings and recommendation are reported to the Minister for Department for Environment Food & Agriculture (DEFA) who either ratifies it or disagrees, and permission is approved or refused accordingly. If the Minister disagrees with the findings, the reasons for doing so need to be clearly stated. Appeals are decided on planning merits only, and do not address procedural issues. If an applicant or third party feels aggrieved in the way that an application has been processed, considers that there has been any malpractice, or believes that the law has not been applied properly, then the appropriate appeals procedure would be through a Petition Of Doleance, effectively a judicial review.
Heritage

2.26 The historic environment is a central part of the cultural heritage of the Isle of Man and gives it its national identity. Sustaining the island's distinctiveness is a key element of the planning system, maintaining the character and appearance of its towns, villages and countryside.

2.27 In terms of conservation, the Isle of Man has both ‘Registered Buildings’ and conservation areas. There are currently 20 designated conservation areas, nine of which are in Douglas. There are a further nine areas in the pipeline. The list of registered buildings has been developed since 1983 and now contains over 275 entries. Separate policy advice has been prepared for conservation matters and specific policies will be translated through the area plans.

Enforcement

2.28 Decisions on enforcement matters, including the determination of applications for Certificate of Lawfulness, are delegated to officers. In most cases, decisions are delegated to the Head of Development Management. Decisions to take more formal action and undertake prosecution may be taken by the Head of Development Management or the Director of Planning and Building Control, but in many cases authorisation is sought from the Member for Planning.

2.29 The Department receives approximately 300 requests to investigate each year and has only one dedicated enforcement officer to deal with these. It is therefore necessary to prioritise cases and close those which are minor, not particularly harmful or it is not in the public interest to pursue. This can allow more time to be spent on more complex and harmful cases. We understand, from discussions with officers and politicians, that concerns have been expressed that:

- the current system (in terms of service delivery) is not proactive and is purely reactionary
- the decision making process is not transparent
- even with more minor cases being closed there is insufficient resource to deal with really complex cases and these are left unchallenged

Transparency, engagement and stakeholder involvement

2.30 Consultation is a vital part of the planning system and an essential means of two-way communication between government and the public. It is very much
in line with the principles of openness and community focus endorsed by the government and Tynwald.

2.31 A ‘Code of Practice on Consultations’ was introduced in 2008 and sets out standard guidelines. It applies to all departments, statutory boards and offices. Although designed for use in relation to primary legislation, the Code is also a best practice template for consultation on major policy issues. A consultation section of the government website has been developed as a single source of information on all past, present, and forthcoming consultations.

2.32 Government has set out its six consultation criteria to be followed in consultation documents as follows:

- Consult widely throughout the process, allowing a minimum of 6 weeks for a minimum of one written consultation at least once during the development of the legislation or policy.
- Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
- Ensure your consultation is clear, concise and widely accessible.
- Give feedback regarding the responses received and how the consultation process influenced the policy.
- Monitor your Department’s effectiveness at consultation.
- Ensure your consultation follows best practice, including carrying out an Impact Assessment if appropriate.


2.33 Planning applications are published on a weekly list and site notices are used. The public are given time to view applications either at the offices or online and comments can be submitted in writing. Opportunities now exist for the public to speak at planning committee meetings. Objectors and supporters who have previously made written comments on an application or the applicant (or their representative) are allowed to speak.

2.34 For plan making, schedule 1 of the 1999 Act sets out the general procedures which include the requirements for publicity and consultation.

2.35 It is interesting to note that there are no specific documents which set out when and how the public will be engaged in the planning application or plan making processes. We will look at this further in the next section of this report when comparing with other systems.
Summary

2.36 The key features of the Isle of Man planning system are as follows:

- Primary legislation is in place but has not been reviewed recently.
- A single tier planning system is in operation.
- Local authorities exist but are not local planning authorities.
- An updated Strategic Plan is in place (2016) with a plan period from 2011 to 2026.
- Only one ‘Area Plan’ has so far been approved (South 2013).
- Interim guidance was issued more recently for key town centre sites in Douglas.
- Additional guidance is available most recently through PPSs.
- Separate controls are in place for heritage matters.
- Many of the applications received are non-contentious.
- There is a high degree of delegation to officers.
- There is an independent planning committee.
- A right of appeal exists, including a 3rd party right of appeal.
- An appeals procedure is in place.
- Decisions on enforcement matters are dealt with by officers, not by the planning committee.
- A government Code of Practice on Consultations is in place (2008).
- No specific documents setting out when and how the public will be engaged in the planning application or plan making processes.
Part B: Comparison with other planning systems

3. Introduction

3.1 The current planning system operating in the Isle of Man is outlined in detail in Part A above.

3.2 In this part of the report we compare the Isle of Man system with those of the UK (England, Scotland, Wales and Northern Ireland) and the crown dependencies of Guernsey and Jersey. The intention is that this is a ‘high level’ comparison, identifying notable differences and key points of interest. We hope that this comparison can help inform the future development of the planning system in the Isle of Man. Appendix 1 provides a tabular summary of the systems in other key comparison jurisdictions. We have also looked further afield to consider whether other planning systems outside the UK offer potential lessons or best practice examples. This is set out in Section 6 of this report.

3.3 The body carrying the responsibility for planning differs across the jurisdictions used within the following comparison. They range from government, through regional to local authority level. We have used ‘planning authority’ as the global term to avoid confusion, and where appropriate. It is important to note that the intention is to explore how planning is delivered elsewhere and that there are both good and bad aspects within each system.

4. Detailed comparison with England, Scotland, Wales, Northern Ireland, Guernsey and Jersey

The legislative framework, governance and organisation

4.1 The fundamentals of the Isle of Man planning system share much in common with the four UK countries, Guernsey and Jersey. The key common features are:
• Land use based development plans provide a comprehensive policy approach.
• Planning and related applications are used to control development.
• Legislation makes provision for the use of conditions, planning obligations, an appeals process and enforcement.

4.2 The countries of the UK, Guernsey and Jersey operate independently and produce their own legislation. All operate on more recent legislation to that of the Isle of Man but only Northern Ireland has a recent consolidated act. Compared with the UK systems, the Isle of Man 1999 Act is much more concise, but is now dated.

4.3 As in the four UK systems, further detail on the operation of the planning system in the Isle of Man is set out in a range of secondary legislation known as development procedure orders. These are important documents since they provide further detail on how various aspects of the planning system are applied. In common with the UK systems, these documents are written in legalistic language and are not easily accessible to lay people or indeed professionals.

4.4 There has been a change in approach in England since 2011 with the introduction of the framework for neighbourhood planning through the Localism Act. This does not exist elsewhere and contains a wide range of measures to devolve more powers to councils and neighbourhoods. It gives local communities greater control over local decisions like housing and planning.

4.5 Unlike the UK, the Isle of Man is not part of the EU and therefore is not subject to European Directives covering environmental matters, such as Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA), and Habitats Directives (HRA). In the UK these have been set into law through secondary legislation. SEA is a process which applies to the production of plans, whilst EIA applies to specific major development proposals. They both consider social and economic impacts and inform plan making and the determination of planning applications. HRA applies to plans or projects which are likely to have a significant effect on European Natura 2000 sites.

4.6 Whilst the Isle of Man does not follow EU Environmental Directives, it has signed up to various Council of Europe accords which cover environmental standards. Interestingly, both Guernsey and Jersey have introduced secondary legislation covering Environmental Impact Assessment (EIA) which
apply in certain circumstances, such as complex applications and those in sensitive locations.

4.7 A key difference with UK countries is that the Isle of Man Government both legislates for and applies the planning system. All UK countries operate a multi-tiered planning system. There are differences, but in general terms legislation and accompanying national policy guidance is set at national government level and implementation at lower tier levels. Both the Guernsey and Jersey Governments operate in a similar way to the Isle of Man.

4.8 Until 2015, Northern Ireland also operated a single tier system. The Planning Act (Northern Ireland) 2011 introduced a new two-tier planning system, in which planning responsibilities are shared between councils and the Department of Environment. Each new council is the Local Planning Authority for its district council area. These councils have responsibility for local development planning, development management and planning enforcement. The government retains responsibility for regionally significant and ‘called-in’ applications, regional planning policy, planning legislation, oversight and guidance for the district councils and performance management.

4.9 On the Isle of Man, the number of ‘planning bodies’ implementing the system is limited to two departments and one independent planning committee. In our opinion, this should mean that the system has the potential to be more responsive to change and more effective than in the UK. This is because planning legislation and policy is determined by the same organisation which implements it. The desire and need for new policy approaches that require changes in legislation should be easier to bring about than within a UK model. The potential for conflict of interest should be mitigated by the safeguards of the independent planning committee, independent appeals, and the 3rd party appeal system. Whether or not these potential ‘advantages’ of the Isle of Man system are such in practice is something we have examined as part of this review.

4.10 The single tier nature of the planning system does have implications for political involvement in the making of ‘strategic’ policy and the planning application process. In the UK countries, politicians within local government have to work within a national policy framework which they cannot directly influence at either the development plan or planning application stage.

4.11 This is not the case in the Isle of Man where national politicians are also local politicians. As a result, there is greater potential for politicians to be subject to local lobbying pressure on planning applications of all scales since they are also seen as being responsible for and possibly being able to interpret national planning policy in a particular way.
4.12 CoMin has a specific role in the planning system, by having the ability to call-in applications and through the determination of certain departmental planning applications, both of which are discussed later.

**National planning policy and guidance**

4.13 A key difference from the planning systems of the UK countries is that, as a single tier planning authority, the Isle of Man, along with both Guernsey and Jersey, sets out its own planning policy and guidance and then applies it.

4.14 As with the UK planning services, the purpose of guidance is twofold:

- to ensure current governmental aims are followed in plan making and planning decisions
- to inform the public and developers as to the criteria against which development plans have been prepared and planning applications will be determined.

4.15 The Isle of Man’s approach to guidance is similar to that in place in Scotland and Wales, where both strategic spatial guidance and general planning guidance is provided. However, much of the Isle of Man’s guidance has been in place for a considerable time. This means that the guidance does not always reflect current government policy. This presents potential confusion for applicants and affects the quality of applications, leading to the potential for delays in the application process and additional appeals, all of which would reflect badly on the planning service.

4.16 A key difference between the Isle of Man and the UK planning systems is the precedence of national planning guidance over development plans. In the UK systems, national guidance informs the preparation of development plans. This is different to the situation in the Isle of Man, where the 1999 Act states that “planning policy statements 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.” This means that the primary mechanism for the government to influence the key aims and objectives of planning policy is through the Strategic Plan. A potential concern would be that this does not provide for as much flexibility and responsiveness as may be needed.

4.17 Particularly in England, but also in Scotland and Wales, there is a common trend towards consolidating and simplifying planning guidance. As part of its programme to streamline the English planning system, the Coalition
Government replaced multiple planning guidance documents with a single simplified National Planning Policy Framework (NPPF) in 2012. A similar simplified approach is being adopted in Scotland with the Scottish Planning Policy document published in 2014. The Scottish approach, however, differs from England in that it also sets out national strategic spatial guidance through a separate National Planning Framework (NPF3 2014) document. At the moment, significant subsidiary detailed advice remains in place in Scotland.

4.18 The Welsh guidance context is currently complex. However, under the Planning (Wales) Act 2015 a new National Development Framework (NDF) is currently being prepared. This will fulfil a number of roles, including setting out the Welsh Government’s land use priorities and providing a national land use framework for Strategic and Local Development Plans.

4.19 The English system incorporates web based guidance, the Planning Practice Guidance (PPG), which can be updated on a 'live' basis. This provides technical guidance, interpreting the application of government policy advice set out in the NPPF. Because it is easy to update, it is possible for the government to change the interpretation or clarify guidance on a regular basis. The PPG also sets out guidance on methodologies for undertaking key evidence studies, which can change based on experience. One downside of having a 'live' document is that too frequent changes can cause difficulties. For instance, changes to technical guidance occurring late in the process can make plan making difficult, with consequent delays. Too frequent changes to guidance can also lead to a lack of clarity for residents and developers.

4.20 Following the approval of the new Island Plan for Jersey in 2011, the Jersey government has embarked on a review of all existing supplementary planning guidance to ensure that it supports the new policy framework. Similarly, Guernsey is updating its supplementary guidance, as part of the work on a new draft Island Development Plan 2015.

**Development plans**

4.21 The two tier structure (strategic and local plans) of the development plan system on the Isle of Man is similar to that in Scotland, Wales, Northern Island, Guernsey and Jersey. However, whilst Scotland, Northern Ireland and Wales have, or are developing, a formal strategic spatial planning approach, England has moved away from this. Interestingly, the lack of strategic planning guidance in England is considered to be a key factor in delays to local plan preparation. These delays have led to housing growth in particular taking place on a speculative and unplanned basis.
4.22 The Isle of Man’s Area Plans are broadly similar in scope and content to ‘development plans’ in all UK countries. The plan making system as set out in the 1999 Act is not as complex as in UK countries and England in particular:

- It does not have the additional complexity of applying the EU Environmental Directives which requires complex Strategic Environmental Impact Assessment and Habitat Regulation Assessment for plans and is a major requirement for UK plan making.
- There are no set ‘tests’ or criteria against which development plans are examined, as is the case in England and Wales. This means that there are no ‘benchmarks’ against which stakeholders and the public can assess the fairness of the development plan inquiry process.
- There is no guidance or advice set out on reasonable evidence study requirements to ensure the robustness of development plan making (linked to examination “tests”). Without this there is a risk of challenge and delay at public inquiry stage. Evidence requirements are simpler. This should mean that plan preparation is less onerous. Whilst, it is important that plans are prepared on adequate evidence, it is important that a balance is struck between simplicity and robustness.

4.23 Unlike in England, there is no technical guidance on matters such as how plans should be prepared, including appropriate use of technology, proportionate evidence, and how the public and stakeholders are to be involved, other than that set out in the 1999 Act. This has implications for the speed and robustness of plan making, and also for lack of transparency for stakeholders and the public as to how the plan preparation system is supposed to operate.

4.24 Despite the relatively less complex plan preparation process, progress with development plan making on the Isle of Man is slow (as is the case in both Guernsey and Jersey). This means that because development plans are the primary means of setting out and implementing government spatial policy:

- they cannot be used to quickly respond to changing circumstances and reflect changes to government aims
- they quickly lose relevance and credibility
- confusion and delays are caused in the planning application process
- ‘ad hoc’ decisions can result which undermine confidence and trust in the plan led system.

4.25 In England, since the introduction of its new, more complex, plan making process in 2004, and despite recent streamlining attempts, the preparation of local plans can take three or more years to complete. This is a major area of
concern at both national and local government levels. In England, a review of the plan making system is currently ongoing, with major areas of concern being:

- the scope of evidence required
- frequent changing of national policy ('moving the goal posts')
- adequately resourcing the system to enable greater speed.

4.26 Interestingly, Scotland, like the Isle of Man, has not reinforced the primacy of the development plan in planning decisions. In England, Wales and Northern Ireland when making decisions "regard is to be had to the local development plan. The determination must be made in accordance with the plan unless material considerations indicate otherwise". This contrasts with the Isle of Man and Scotland where there is a requirement only to have regard to the development plan.

4.27 This means that with the Isle of Man system, there is less certainty for the community and applicants as to how planning applications are dealt with. It is hard to anticipate whether the development plan will have primacy or whether other factors, possibly previously unpublished, will have greater weight in determining a planning application. The system therefore allows for greater opportunity for ad-hoc decisions to be taken which may erode confidence and trust in the planning system. This situation is compounded due to the lack of clear and up to date national planning policy guidance outside of guidance now contained within the Strategic Plan.

4.28 For primacy of the development plan to have proper effect it is essential in any case that plans are kept up to date and relevant. In England, the NPPF deals specifically with circumstances where plans are 'absent', 'silent' or 'out of date' by reinforcing a strong presumption in favour of approving sustainable development.

Planning at the neighbourhood level

4.29 The Isle of Man does not have a lower tier of planning at a neighbourhood level. This is similar to the situation in Scotland, Wales, Guernsey and Jersey. It contrasts markedly with the approach in England where neighbourhood planning, following its introduction in 2012, has been widely adopted. Northern Ireland is different again, with its well established system of community plans which deal with service delivery as well as spatial planning.

4.30 In England, Neighbourhood Development Plans were introduced through the Localism Act 2011 and are prepared at a local neighbourhood level, based on
existing Parishes or Neighbourhood Forums. They are increasingly being seen as an important part of the development plan making process, providing for greater involvement of, and control by, local communities.

Development management

4.31 The development management system on the island is broadly similar to that in operation in the UK countries. The key features that they have in common are:

- planning application process for approval in principle and detail
- delegated decision making
- special controls within conservation areas and protecting registered buildings
- an appeals process
- power to restrict development in certain areas
- enforcement
- permitted development
- use classes.

4.32 There are however a number of ways in which these provisions differ in the Isle of Man system, notably in relation to:

- an independent planning committee
- appeal system procedures
- how major planning applications are dealt with
- major infrastructure planning
- the scope of permitted development
- the use of development orders
- the ease of making minor non material alterations following the grant of planning approval
- the approach to developer contributions
- the absence of a formal requirement for environmental impact assessment
- ‘call in’ procedures.

4.33 We will look at these in a little more detail below.

Independent Committee

4.34 The independent planning committee is a feature of the Isle of Man planning system, not widely used in the UK systems. Both Guernsey and Jersey operate a committee of elected members. The Isle of Man system offers
potential benefits in terms of transparency and trust in the planning system. These potential benefits will depend on the quality, training and knowledge of the members and their confidence and ability to challenge recommendations by officers.

**Appeal System Procedures**

4.35 The appeals process in the Isle of Man differs from that in operation in the UK countries in a number of interesting ways.

4.36 All appeals are submitted to the department and then the process is handled by the Cabinet Office, which arranges for an independent inspector to consider the appeal and make recommendations. The Minister for Environment, Food and Agriculture then makes the final decision. This situation, where the final decision on appeals is taken by the Minister in charge of the team who made the original decision is unique, and does not occur within any of the other systems discussed here. In cases where the Minister does not follow the independent inspector’s recommendation, the appeal system is vulnerable to accusations of unfairness.

4.37 In the UK, Guernsey and Jersey only an applicant is able to appeal against the decision on a planning application. In the Isle of Man, the right to appeal has been extended to ‘third parties’, who have been granted ‘Interested Party’ status. The applicant, the local authority, or any person who has been found by the Planning Committee to have sufficient interest in the application, may appeal against the decision on a planning application.

4.38 Third Party right of appeal is a feature of the Isle of Man planning system, which is not commonly used elsewhere. Interestingly, it has been considered, on several occasions, in the UK jurisdictions and has always been rejected, largely on the basis that it would be difficult to work and would have an adverse impact on the speed of decision making, and therefore represents a significant cost to developers. It would be interesting to see research done to canvas the views of all stakeholders, to get a clearer picture of the workability and effectiveness of third party right of appeal. This falls outside the remit of this stage of this review. We shall, however, see later in this report, that both politicians and officers in the government clearly express doubt about its appropriateness and efficacy.

**Major planning applications**

4.39 The Isle of Man has no separate procedures in place to deal with major planning applications. This is a marked contrast with the systems in operation...
in all UK systems where thresholds for major development are defined and separate procedures for dealing with them are put in place. Generally, in UK systems, the following apply:

- A longer time is allowed for determining planning applications (13 weeks).
- There are special consultation arrangements.
- There are potentially EIA and HRA requirements (above defined thresholds).

4.40 In England, special guidance and best practice assistance to local authorities is also provided on how to deal with major applications in recognition of their complexity and importance.

4.41 The distinction between minor and major planning applications is important because it recognises the need for them to be treated differently because of their potential impact and wider community concerns, as well as their potential economic and social benefits. It also recognises that additional resources and procedures need to be applied to deal with them expediently and effectively. Despite the relatively low number of major planning applications, without such distinction there is the possibility that these applications are not given priority.

4.42 This could lead to:

- the potential for greater concern in the island’s communities, about how their views are taken into account on major applications
- inadequate resources being allocated to deal with major applications
- delays in important social and economic projects
- a lack of clarity for both developers and residents as to how major applications are to be dealt with.

Major infrastructure planning

4.43 The provision of adequate infrastructure to meet current needs and planned growth is a key element of sustainable development. The way in which new infrastructure is dealt with through the planning system on the Isle of Man, whether of national or local impact, is significantly different to the UK systems.

4.44 Infrastructure planning on the Isle of Man is dealt with through the Strategic Plan. There is, however, no clear explanation as to how and when infrastructure will be provided in respect of particular areas. There is no requirement for development plans to justify development proposals in terms of the viability of providing necessary infrastructure.
4.45 Key changes in UK systems in recent years have been:

- The development of separate planning processes and procedures for dealing with nationally significant infrastructure projects which removes determination from local councils.
- More detailed consideration through local development plans of the provision of appropriate physical and community infrastructure to meet the needs of new development.

4.46 Looking first at process changes, in 2008, the UK Government introduced a new development consent process for Nationally Significant Infrastructure Projects (NSIPs) in England and Wales. Decisions on these projects are now taken by the relevant Secretary of State, advised by a new National Infrastructure Directorate of the Planning Inspectorate.

4.47 In Scotland, national developments are designated in the National Planning Framework for Scotland. Any objection to an application for a national development can only be made on an issue of detail, as its inclusion in the National Planning Framework for Scotland is deemed to have established the need for that development.

4.48 Let us now look at how infrastructure is dealt with in development plans. The English planning system has seen, in recent years, greater emphasis on the viability and deliverability of infrastructure requirements of planned development. Local Plans are expected to justify, through the preparation of an Infrastructure Delivery Plan, the scope, timing and responsibility of new infrastructure requirements. In some areas this is closely linked to the adoption of Community Infrastructure Levy (CIL) as an infrastructure funding mechanism.

Permitted development

4.49 To improve the efficiency of the development management system, the Isle of Man has relaxed permitted development to some degree. However, permitted development on the island is not as extensive in scope as it is in the UK, and in England in particular.

4.50 In all UK countries, and in Guernsey and Jersey there has been a considerable extension of permitted development rights in the last few years. This varies between countries but generally covers:

- household improvements and extensions
- extensions to offices, shops and financial services
changes of use including commercial to residential use, encouraging new
schools and reuse of farm buildings.

4.51 In England this is part of a clear move towards a three tier approval system:

- permitted development rights for small scale changes
- prior approval rights for development requiring consideration of specific
  issues
- planning approval for the largest scale development.

4.52 This three tier system could, if it is not set up carefully, be unnecessarily
complex and cumbersome. This would be the exact opposite result to that
intended by its introduction. Experience in England to date suggests that this
has not been the case. It is, however, something that would benefit from
further review, as the system develops.

4.53 As in the UK jurisdictions, in the Isle of Man there is provision, under Section
8 of the 1999 Act, to restrict permitted development rights within certain areas.
In common with all the UK systems, there are restrictions on permitted
development rights in conservation areas whilst other systems have broader
areas of restriction to include other 'designated areas' e.g. Areas of
Outstanding Natural Beauty (England).

Use classes

4.54 The Isle of Man has a similar system of use classes to those in the UK
countries, Guernsey and Jersey, although it does not have as many classes.
Changes of use are allowed within and between some classes, as is the case
in the UK jurisdictions, and is more flexible in this regard than the approach
taken in Scotland or Wales. England has the most flexibility in terms of
potential changes of use between classes.

Development orders

4.55 Similar to UK countries, the Town and Country Planning Act 1999 (Section 8)
allows for making of developments orders which are useful simplified planning
mechanisms and can relax control for certain developments or types of
development within defined geographic areas.

4.56 In England and Wales, planning authorities can also use Local Development
Orders (LDOs) to relax, or indeed remove planning control within any defined
area. In England, the use of LDOs as a means of encouraging economic
growth is actively promoted. They are now being extensively used, for
example, to encourage economic development and regeneration on and around airports, town centres, and large brown field sites. Other uses include granting permission for specific minor works and house extensions. There are a range of development orders in place in the Isle of Man which grant permission for certain types of development within defined areas. They appear to have less onerous conditions and requirements for pre-notification than many similar LDOs in England and so may be viewed as more flexible.

4.57 In England, Scotland and Wales, legislation makes provision for powers to designate ‘simplified planning zones’, which grants permission, with or without conditions, for specific development or uses. These are often used in association with special economic development areas and funding regimes.

Non material changes to planning approvals

4.58 Unlike in all UK systems, Guernsey and Jersey, there is no formal procedure in the Isle of Man system to allow smaller scale non material, or indeed greater scale material changes to planning permissions without submission of a new application. Such procedures can be useful in ensuring a degree of flexibility in planning approvals. They do, however, raise potential concern over the inherent lack of transparency, as they are unlikely to be subject to public consultation.

Environmental Impact Assessment

4.59 Whilst the Isle of Man does not follow EU Environmental Directives, it has signed up to various Council of Europe accords which cover environmental standards.

4.60 It is interesting to note that the Isle of Man has introduced Environmental Impact Assessment (EIA) as part of the Strategic Plan, rather than through secondary legislation. As noted earlier, both Guernsey and Jersey have introduced secondary legislation covering Environmental Impact Assessment (EIA).

4.61 Policy 24 of the Strategic Plan provides for Environmental Impact Assessment of certain projects, and thresholds are set out. It also states that details of how the system will be applied in the Isle of Man will be set out in a future Planning Policy Statement, but in the interim will operate as in England and Wales.

4.62 It is obviously important for the Isle of Man to introduce adequate assessment of the environmental impacts of major development. We note that without clear guidance on how the system will operate on the island, and without setting out changes to planning application procedures, there may be potential
for confusion and delay. For instance, the English and Welsh system provides for screening of the need for and scope of EIAs. This will require clear procedures to be established and additional skills and responsibilities within the development management team.

4.63 We also note that there is no provision for Strategic Environmental Impact Assessment of Development Plans.

Call in procedures

4.64 The Isle of Man, through CoMin, has a 'call in' facility in common with the other UK systems, although its operation is different in a number of ways:

- There is no provision, as in England and Wales, for any person to request a call in.
- The circumstances specified in the Isle of Man primary legislation, where specific types of development, other than certain departmental applications, should be considered for call in are similar to those in UK systems. However, in these systems further guidance has been issued for clarity.
- In England and Wales, planning authorities have to inform the government when they receive applications for certain types of application. Generally, these are for development of national significance. Very few applications are called in in England and Wales.
- Call in decisions made by CoMin are subject to ratification by Tynwald.

Community infrastructure levy and developer contributions

4.65 The system and practice for securing developer contributions for local and other wider infrastructure is not as developed on the Isle of Man as in the UK, or indeed in Guernsey and Jersey.

4.66 Under Section 13 of the Town and Country Planning Act 1999, legal agreements on the Isle of Man have been used to secure affordable housing or open space as part of the planning application process. Whilst the use of these agreements is subject to strict formal legal arrangements in the UK planning systems, they are commonly used to secure wider community infrastructure benefits including contributions to schools. In England, the tests for using site specific financial agreements (known as s106 agreements) are that they are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development
3. fairly and reasonably related in scale and kind to the development

4.67 In England and Wales, financial contributions to infrastructure, necessary to accommodate planned development across a whole district, can now be secured by the planning authority adopting a Community Infrastructure Levy (CIL) charging schedule. This requires all qualifying development to make a flat contribution, based on floor space. These contributions can be quite significant and be applied to a wide range of infrastructure across the district and are not just project specific. Where a CIL is in operation, planning authorities can still ask for site specific agreements. In Jersey the government is currently considering a CIL approach and plans to consult widely later in 2016.

4.68 Planning authorities in England must now have regard to local finance considerations as far as it is material when determining planning applications. This includes potential grants from government (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. Whether or not a ‘local finance consideration’ is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a planning authority or other government body.

**Stakeholder engagement**

4.69 There is no single document which sets out how and when the public will be involved in the making of plans or in determining planning applications.

4.70 In the countries of the UK, specific requirements have been introduced for clearly setting out when and how communities and stakeholders will be engaged in the plan making process. This includes regular updates of Local Development Schemes (LDS) which set out progress in plan making. In England, planning authorities have to adopt Statements of Community Involvement, which set out how and when communities and other stakeholders will be consulted during plan making. In Scotland, participation statements must be included in LDSs for strategic and local development plans. In Wales, at an early stage in the preparation of Local Development Plans, a Delivery Agreement is prepared, and approved by formal resolution of the planning authority. It needs to be agreed with the Welsh Government before the plan making progresses. The Delivery Agreement includes a
Community Involvement Scheme (CIS), which sets out how the planning authority will be proactive in involving the community in plan preparation.

Transparency

4.71 The operation of the planning system, whether it be in relation to policy making or how decisions are made on planning applications, is, in our view, reasonably transparent. In this respect it is comparable to the situation in the UK. There are a number of differences which we would highlight:

- There is no standard neighbour notification procedure for planning applications
- The absence of a procedure, in the Isle of Man, for specifically publicising planning applications which depart from an adopted development plan. This is a requirement in England, Scotland and Wales.
- The lack of a specific document which sets out when and how residents and businesses are able to participate in the planning process (e.g. Statements of Community Involvement as in UK systems, where these explain participation opportunities for plan making and planning applications).

4.72 We think that it is useful at this point to comment on the planning information available on the government’s website. Whilst information is generally available on policy, procedures, meetings and decisions, it is not as accessible to members of the public as it could be. The planning pages of the website, in common with those of many local authorities in the UK, are acceptable. They could however be greatly improved, in terms of its accessibility, use of plain English, ease of navigation and currency.

4.73 The use of live streaming of committee meetings via the web is becoming increasingly common in the UK planning systems, as is the use of social media. These innovations can assist public involvement in planning and contribute greatly to ensuring that the system, particularly its decision making processes, is transparent.

Planning advice

Advice for communities

4.74 Unlike in the UK jurisdictions, there is a limited independent source of planning guidance for individuals or communities available on the Isle of Man. It is our understanding that the English Planning Aid service operated by volunteers through the Royal Town Planning Institute does cover the Isle of
Man. However, due to a lack of professional volunteers, no service is currently offered. There are similar advice services in Scotland (Planning Advice Service), and Wales (Planning Aid Wales).

**Professional Guidance**

4.75 Whilst the Isle of Man planning web site does have similar information to the English, Scottish and Wales planning portals, its presentation and navigation could be improved, as discussed above, to provide clearer understanding of the planning system and how to engage with it both for professionals and members of the public.

**Best practice and improvement**

4.76 Unlike in England, Scotland and Wales, there is no specific resource available to professionals on the Isle of Man relating to best practice and service improvement.

4.77 The Planning Advisory Service (PAS) has operated for a number of years in England, with government funding. PAS offers a range of services, providing research and guidance, highlighting best practice, and providing training, to improve planning delivery within the English planning service. The Welsh Government is in the process of setting up its own independent version, the Planning Advisory and Improvement Service.

**Streamlining and reforming planning**

4.78 In comparison to UK countries, and in Guernsey and Jersey, there has been no significant programme or formal strategy in place in the Isle of Man in recent years to address the responsiveness, efficiency and streamlining of the planning system.

4.79 All planning systems in all of the UK countries, Guernsey and Jersey are undergoing significant changes. This is in response to the demands of economic growth, the need for additional housing, greater demand for community involvement, changing social expectations and demands for transparency, sustainable development, and technological change.

4.80 The most significant reforms so far have been in England, with a focus especially since 2010 on ensuring that the planning system performs more effectively, more openly and more efficiently to deliver sustainable development and deliver the government’s growth agenda. Key changes have been introduced in respect to:
- simplifying national planning guidance
- widening permitted development
- encouragement of use of Local Development Orders
- improving performance
- streamlining processes
- permitted development
- simplifying processes relating to planning obligations and encouraging the introduction of CIL.

4.81 These build on other practical changes already adopted to speed plan making and development management through employment of consultants throughout the system. For instance, it is becoming more common for planning authorities to employ consultants to handle planning applications. Depending on their own skill set and capacity, planning authorities either outsource major applications or minor applications.

4.82 The English system is likely to undergo further changes to streamline plan making and in particular, development management. For example, the Housing and Planning Bill before the UK parliament includes provision for:

- intervention by government to take over the preparation of development plans in poorly performing authorities
- the ability of the Secretary of State to grant permission on land allocated for development in development plans (intended at the moment for minor housing development and on sites on the brown field register)
- planning applications, in areas covered by poorly performing LPAs, to be made directly to the Secretary of State
- granting planning permission for housing associated with major infrastructure projects
- widening the use of external consultants to process planning applications, so that the choice can be made by the applicant, partly in response to poorly performing planning authorities or those with limited staff resources.

4.83 These changes are being driven by governmental policy agendas linked to empowering communities, devolution, competition and the need to adapt to fast changing economic and social circumstances.

4.84 In September 2015, the Scottish Government appointed an independent panel to undertake a comprehensive review of the Scottish planning system with a focus on delivering “a quicker, more accessible and efficient planning process, in particular increasing delivery of high quality housing developments”.

www.envisionuk.net| 30
4.85 Following Royal Assent of the Planning (Wales) Act 2015, the Welsh Government is to introduce secondary legislation to bring forward implementation of the changes to the planning system introduced by the Act.

4.86 The Welsh Government has also asked the Law Commission to consider the need to create simplified primary planning legislation for development management in Wales. The commission is due to report with a draft bill in the summer of 2017. The new National Development Framework to be developed under the 2015 Act is expected to be adopted in 2019.

4.87 In Jersey, the planning system is being streamlined, with an increase in application fees, new forms and guidance notes, all in an attempt to speed things up.

4.88 In Guernsey, the new Island Development Plan is at its draft stage and undergoing consultation. In Jersey a review was undertaken in 2010 to streamline the planning process and speed up delivery. In both jurisdictions, planning law and guidance is being reviewed.

4.89 The lack of any formal strategy for improving the planning system on the Isle of Man may result in a system judged as being less effective than those of UK systems. This could impact on the quality of service provided to residents and businesses of the Isle of Man.

5. Summary of comparison

5.1 The basic structure of the Isle of Man planning system is similar to that operated in the countries of the UK, but there are differences in the detail and in how the system works. The same can be said if we compared the planning systems of any of the UK countries. Key similarities and differences between the Isle of Man system and UK systems are set out below:

**Key similarities**

- The primary and secondary legislation systems setting out principles of the planning system.
- The system of development plans and planning applications.
- The approach to policy, with strategic spatial and lower level guidance.
- Development plans are similar in scope.
**Key differences**

- The main planning legislation on the Isle of Man is consolidated but has not been updated recently.
- The Isle of Man is not subject to EU Environmental Directives requiring formal SEA for plans, EIA for projects or HRA for European Natura 2000 sites.
- The Isle of Man is a 'single tier' planning body setting its own policy and applying it.
- Much of the Isle of Man planning policy and guidance, with the exception of Strategic Plan, is now dated.
- Primary legislation on the Isle of Man does not provide for the government to provide policy guidance with precedence over development plans.
- There is no strategy to simplify planning policy or guidance.
- There is no strategy to provide additional internal resources or for possible outsourcing of appropriate planning related work to consultants to speed up development plans and planning applications.
- There is no technical guidance.
- There is no primacy of development plans when making planning decisions (which is similar to Scotland).
- The development plan process is less complex on the Isle of Man.
- Permitted development and use classes are not as flexible, especially when compared to England.
- 3rd party appeal system does not exist in the UK or other crown dependencies.
- There is an independent planning committee.
- There is no formal procedure for making non material changes to approved planning applications.
- There is no formal differential system for dealing with major planning applications in terms of process or consolation.
- There is no formal differential planning system for Nationally...
6. Planning in Ireland and looking further afield

6.1 In considering reform of the Isle of Man planning system, it may be useful for the government to consider the experience of other countries. The key issues facing the Isle of Man planning system are common to all advanced economies. These include:

- the need to accommodate growth whilst protecting the quality of the environment
- balancing openness and transparency with the need to be flexible, and responsive to change.

6.2 This section sets out a brief overview of the Irish planning system, the existing systems of Hong Kong and Singapore and a newly reformed system in South Australia to consider whether there are any lessons that can be applied to the Isle of Man. Owing to the limited scope of this review, this research is not comprehensive. Further work, to identify potential lessons and best practice, would be useful in informing any fundamental reform of the Isle of Man planning system.

Ireland

6.3 Ireland's planning system, first introduced in 1964 and heavily based on the English planning system of that time, was consolidated and updated in 2000.
The core principles of the review which gave rise to the 2000 Act were to ensure that the planning system would:

- be strategic in approach
- have an ethos of sustainable development
- deliver a performance of the highest quality.

6.4 A clear, hierarchical planning system was introduced within the context of a national spatial strategy (NSS), with regional planning being put on a statutory footing. The NSS provides an overall framework for planning in Ireland. Plans at regional and local level must have regard to the NSS. The eight regional authorities have responsibility for drawing up and implementing Regional Planning Guidelines (RPGs) to support strategies for regional development. The implementation of the planning system in Ireland is the responsibility of the 88 local planning authorities: 29 County Councils, 5 City Councils and 49 Town Councils. At this level, the planning system primarily consists of the preparation of a development plan, development control (i.e. the planning application process) and enforcement.

6.5 At a national level, two main organisations have responsibility for planning: Department for the Environment, Heritage and Local Government (DoEHLG) and An Bord Pleanála (the Planning Appeals Board).

6.6 Ireland has third party planning appeals and an independent appeals system which is operated by An Bord Pleanála. The board provides an arbitration forum in which any decision made by a planning authority on a planning application can be reviewed at the request of the applicant or another interested party. This third party right to appeal equates to that in the Isle of Man. This summary will therefore focus on the role and operation of An Bord Pleanála.

6.7 In general, authorities must decide planning applications within eight weeks of the date of receipt. The applicant, or any person who made a valid submission in writing, can appeal to An Bord Pleanála, within four weeks of the decision. In an appeal, the planning application is considered anew by An Bord Pleanála, who examine all relevant issues independently.

6.8 An Bord Pleanála was established in 1977 in order to transfer the appellate function from the minister to An Bord Pleanála, thereby removing decision making concerning specific planning appeals from direct political control and insulating ministers from the pressures and controversies occasionally associated with deciding individual appeals. In terms of its relationship with government, An Bord Pleanála was established such that it was independent
in terms of planning decision making, but was required to take account of policy. Inspectors report all appeal recommendations to it for decision.

6.9 An Bord Pleanála comprises a chairperson and up to nine ordinary members. The chairperson is appointed by the government from a shortlist. The ordinary members are appointed by the minister from a group of nominees representative of a wide range of sectors of Irish society. A *quorum* for a board meeting is three board members with an option for a two-member meeting where necessary. Every decision is determined by a majority of votes cast.

6.10 In recent years responsibility for Strategic Development Zones, Strategic Infrastructure Development and regularisation and substitute consent in respect of quarries and certain other developments have been assigned to An Bord Pleanála.

6.11 The Irish appeals system is characterised by the following:

- Appeals can be made by the applicant following a refusal of consent or by any other interested party who has made representations on the application (a third party). Third party appeals are generally against the granting of consent.
- All appeals are considered afresh in the context of national, regional and local policy, including the development plan and any local area plan. They do not just address the reasons for refusal.
- Most appeals, even for very large developments, are dealt by a report from the inspector based on written representations and an unaccompanied site visit at which he or she takes photographs to submit with the report. Hearings are very rare and confined largely to major infrastructure projects.
- The inspector has discretion to recommend refusal or approval of the application, subject to the imposition of a wide range of conditions, including the requirement to make contributions towards infrastructure costs in accordance with local schemes of infrastructure provision.
- The inspector can also make use of conditions to require the developer to make both major and minor amendments to the submitted scheme in order to make it acceptable.
- Reports are submitted to An Bord Pleanála by senior officers but in the inspector’s absence. All decisions, no matter how small the proposal, are taken by the board. There is no delegation of decision making to inspectors.
- Prior to the market crash in 2008, when about 6,000 appeals were being considered each year, compared to about 1,600 now, An Bord Pleanála
made extensive use of external consultants to act as inspectors. These were mostly from the UK in order to ensure no conflict of interest.

6.12 An organisational review of An Bord Pleanála has recently been undertaken by an eminent Review Group. A key finding was that An Bord Pleanála has a well deserved outstanding reputation for its impartiality and integrity. It commented that a planning system operated with integrity is a cornerstone of democratic good governance and is a prerequisite to sustainable economic development and the encouragement of sound inward investment. However, while integrity is vital, it is not enough. It therefore made 101 recommendations for change, most of which were detailed, procedural or managerial, and specific to the system there, many of them being related to strategic infrastructure development rather than appeals. Of more general relevance to potential application of the Irish system to the Isle of Man were the following recommendations:

- amending the process of selection of board members, with a view to greater transparency and to encourage a wider pool of candidates
- stronger oversight and management to ensure consistency of approach and recommendation
- in the event of reintroducing the use of consultants, appropriate mechanisms to ensure the highest standards of quality, integrity and consistency
- a suite of guidance documents covering the principal areas of decision making processes
- policy guidance on the award of costs and a review of legislative provisions in order to ensure that An Bord Pleanála may award costs against any party who has acted unreasonably
- review powers and practice in order to facilitate greater use of limited agenda oral hearings and informal round-table hearings and meetings
- cases to be presented to board members by inspectors or suitably qualified staff members.
- smaller scale development proposals to generally be determined by a division comprising of a single board member
- processes and practices to help ensure that consistency is maximised, both to underpin public confidence and to buttress decisions against potential legal challenges.
- engagement to take place with local government and government to improve communication and mutual understanding, to clarify interpretations of policy and to address emerging or potential issues.
- a mechanism to highlight key decisions which give important guidance as to how An Bord Pleanála approaches certain important recurring issues of planning policy and law.
6.13 The Review Group noted that there would be significant efficiency savings, not only for the appeals themselves but also for other important decisions, if minor appeals were delegated to inspectors and that much greater delegation to inspectors/reporters takes place in the UK. However, it was important to balance these matters against the need to ensure strong public confidence in An Bord Pleanála’s decision making processes. It considered that historical and cultural differences between Ireland and other jurisdictions could not be ignored and therefore decided against such delegation.

6.14 The Review Group also considered that, in the absence of a comprehensive review of third party rights of appeal within the Irish planning system, a piecemeal restriction on the right of third party appeals would not be appropriate.

Hong Kong

6.15 In Hong Kong, the issue of transparency and fairness in relation to the government both setting and applying planning policy has been resolved through the establishment of a quasi-independent Planning Board. This is the principal body responsible for statutory planning in Hong Kong and is served by the Planning Department of the Civil Service. It comprises predominantly non-elected members as in the Isle of Man, but also oversees the preparation of statutory plans, considers applications for planning permission and amendments to plans.

6.16 Hong Kong has a similar strategic plan approach to the Isle of Man, the Territorial Development Strategy (TDS), but with a key important difference, in that it is strongly infrastructure led. Together with a detailed planning guidance framework known as the Hong Kong Planning Standards and Guidelines, the TDS provides the framework for a range of district plans.

6.17 The plan making and planning approval process was streamlined in 2005 by introduction of new types of district plans:

- Outline Zoning Plan (OZP). These show the land use zones, development parameters and major road systems of an individual planning area. Areas covered by OZPs are in general zoned for uses such as residential, commercial, industrial, green belt, open space, government, institution, community uses or other specified purposes. Attached to each OZP is a Schedule of Notes showing the uses which are always permitted (Column 1 uses) in a particular zone and other uses for which prior permission from the TPB must be sought (Column 2 uses).
• Development Permission Area (DPA) plan. DPA plans are prepared to provide interim planning control and development guidance until more detailed OZPs are prepared. DPA Plans indicate broad land use zones and are also accompanied by Schedules of Notes showing Column 1 and 2 uses. DPA Plans are effective for a period of three years and will be replaced by OZPs.

6.18 These are interesting uses of both zoning and permitted development in plan making, with the DPA approach being used to provide guidance and control in areas which are subject to rapid change pending more detailed planning. The development order system in place the Isle of Man could potentially be used in this way.

6.19 In recent years, the need to involve local communities in the formulation of development strategies and preparation of plans has become much more important. Public engagement takes place in the form of public forums, workshops and exhibitions, but there are no set requirements. In terms of transparency, meetings of the Planning Board dealing with both the plan making and decisions are open to the public with significant local television and media coverage.

6.20 The introduction of a more open system, and public participation in particular, has increased the time it takes to produce plans and deal with major development in Hong Kong. There is now pressure from the development industry to further streamline the planning process to allow the territory to compete with other cities in China and the Far East.

Singapore

6.21 The Singapore planning system, which is recognised as having delivered high quality growth, is based on a top down planning system with the following key elements:

• a Concept Plan (long term strategic plan). This is a high level plan which combines the government's economic and social vision and aims with planning principles. It also sets the framework for long term infrastructure provision.

• Development Guide Plans sit below the concept plan and set out detailed land use, development control and urban design parameters for areas of change. These are a similar type of zoning and permitted development plan as those described for Hong Kong. Interestingly, there is no comprehensive review of a 'local plan' each time a new growth area is identified.
6.22 A key feature of the Singapore plan system (as in Hong Kong) is that it is strongly infrastructure led, with the government taking the lead in providing key infrastructure and recouping costs later through subsequent land sales.

6.23 As in other developed nations, Singapore has responded to demands for greater openness by the use of focus groups as a form of participation in planning, including the Concept Plan.

6.24 A key feature common to both Hong Kong and Singapore is the importance attached to the planning system to deliver quality growth in a timely manner. The status of the planning service in government structures is high and well resourced.

**South Australia**

6.25 An interesting recent example of the fundamental reform of a planning system is in South Australia. A new system has been approved this year (2016) for staged implementation over the next few years. The reform is based on the findings and recommendations of an independent panel. It has sought to address a number of key issues:

- lengthy approval times
- complex and confusing rules
- patchy engagement with communities
- the benefit of promoting high quality design for the built environment and public realm
- the need to provide certainty to applicants and communities through streamlined, digitally enabled processes
- the need for improved coordination between planning and delivering infrastructure and urban regeneration
- the need to ensure that decision makers possess relevant professional qualifications, skills and experience
- the need to promote a culture of collaboration and community engagement in the planning.

6.26 Key elements of the reform include:

- establishment of an independent planning commission to deal with both plan making and development management
- statutory recognition of the need to ensure sustainable development and address climate change
- a single set of planning and design rules replacing thousands of pages of existing documents
- the elimination of red tape for smaller scale development proposals through the introduction of a simpler assessment process
- improvement of online access to information via an online planning portal, enhancing accessibility and accountability
- a greater role for communities in setting planning policies through the establishment of a Community Engagement Charter
- additional and stronger sanctions for planning breaches and better enforcement mechanisms.

Simplifying and speeding up the permit (planning applications) process

6.27 The new system will be delivered through a single set of planning and design rules called the 'Planning and Design Code'. This addresses the need to speed up development control by an interesting mix of permitted development and code assessed development, with three categories of assessment in relation to planning consent. These are:

**Accepted development:**

Development which is classified by either the Planning and Design Code or the regulations as being accepted development does not require planning consent.

**Code assessed development:**

Development which is classified by the new simplified Planning and Design Code as deemed-to-satisfy development and is not accepted development or impact assessed development. Planning consent must be granted and no process for public notification or submissions is required. Where proposed development is to be assessed as code assessed development and the development cannot be assessed, or fully assessed, as deemed-to-satisfy development, the development will be assessed on its merits against the Planning and Design Code.

**Impact assessed development:**

This is development which is classified by the simplified Planning and Design Code as:

- restricted development
- classified by the regulations as impact assessed development
• declared by the Minister as being impact assessed development.

In these cases, the independent Planning Commission will determine whether or not the development will be assessed and, if so, whether or not planning consent will be granted. The Commission will act as the relevant consent authority in such instances.

6.28 This system effectively limits formal detailed assessment of planning applications to one category.

6.29 Another interesting feature is that qualified independent professionals can certify code assessed development, leaving the Planning Commission only dealing with restricted development.

Streamlining Appeals

6.30 The new system also introduced a new hierarchy of appeals which is intended to balance speed with fairness based on the scale and nature of development involved.

6.31 Appeal rights will be directly linked to each category of assessment:

<table>
<thead>
<tr>
<th>Development category</th>
<th>Review and appeals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accepted Development</td>
<td>No appeal rights</td>
</tr>
<tr>
<td>Deemed-to-Satisfy Development</td>
<td>Applicant may appeal substantive decision</td>
</tr>
<tr>
<td>Performance Assessed Development</td>
<td>Applicant may appeal substantive decision</td>
</tr>
<tr>
<td>Impact Assessed Development</td>
<td>Only judicial review is available for decisions (this is currently precluded by a privative clause in the current Act that is to be removed) No applicant or third party appeals</td>
</tr>
<tr>
<td>Restricted Development</td>
<td>Applicant may appeal initial decision of commission to refuse assessment Applicant may appeal substantive decision Third parties may appeal substantive decision</td>
</tr>
</tbody>
</table>
6.32 It is interesting to note that 3rd party appeals are possible only on major restricted developments.

**Infrastructure provision and planning**

6.33 The new system contains interesting provision to improve the delivery of major infrastructure required for new sustainable development through Infrastructure Delivery Schemes. These will ‘lock in’ funding commitments for growth area infrastructure, including new offset contribution schemes for ‘provide or pay’ requirements to achieve community benefit.

6.34 The infrastructure delivery schemes will be based on funding defined infrastructure and not on an infrastructure charge or levy. The costs will then be recovered by way of a ‘charge on land’ in the contribution area, which will be collected by the relevant planning authority for that contribution area or multiple planning authorities where contribution areas overlap.
Part C: The need for reform of the planning system

7. Planning's role in the government's wider strategy

7.1 The Government's strategic imperatives are set out within Agenda for Change. They are:

- to grow the economy
- to protect the vulnerable
- to re-balance its budget

7.2 The Government's priorities are set out in Agenda for Change, which provides a framework for reforms that are necessary to ensure the long term sustainability of the Isle of Man. These priorities are:

- the economy
- environment and infrastructure
- good government
- income and expenditure
- welfare reform and wellbeing

7.3 These are reflected in the Challenges and National Outcomes identified in the update to the Agenda for Change (July 2015).

7.4 The Report by the Council of Ministers on Environment and Infrastructure Policy (May 2013), sets out the objectives and actions which the Environment and Infrastructure Committee will ensure are delivered as part of its and the Government’s public commitment to delivering Agenda for Change. In relation to the objective of 'Ensuring Town and Country Planning Supports Economic Development', it states that by 2015/16 the Government will:

- complete the review of the Isle of Man Strategic Plan by end of 2015 (preliminary publicity will be issued in 2013)
- deliver a Draft Area Plan for the East by 2016 (the aim is that the Area Plan for the East will go to Inquiry in 2017)
• undergo detailed preparatory work on the Area Plans for the North and West by 2016 (these Plans will likely go to Inquiry 2018/19)
• develop a series of Planning Policy Statements including a final PPS on Planning and the Economy by the end of 2013 which will give additional information about how the economic benefits of development proposals can be taken into account in the assessment of planning applications
• review the Island’s Retail Strategy to inform the review of the Isle of Man Strategic Plan.

7.5 The Strategic Plan (2016) sets out the strategic aim for land-use planning in the Isle of Man:

"To plan for the efficient and effective provision of services and infrastructure and to direct and control development and the use of land to meet the community’s needs, having particular regard to the principles of sustainability whilst at the same time preserving, protecting, and improving the quality of the environment, having particular regard to our uniquely Manx natural, wildlife, cultural and built heritage."

7.6 Planning must play an important role in contributing positively to the Government’s overall purposes and aims, and in securing the achievement of its strategies and objectives. To do so it must be ‘fit for purpose’.

8. Developing the key principles of the planning system

Why do we need key principles?

8.1 In this review we will develop some ‘key principles’ for the Isle of Man planning system. It is our intention that these principles are those that underpin a modern planning system, forming the very basis of what that system is, and that act as a benchmark for what it can seek to achieve.

8.2 To assist us in developing the key principles and to enrich our understanding of the current planning system and how it might evolve, we carried out two workshops: one with officers and one with politicians. The next section of our report sets out our findings from those workshops.

8.3 It is, of course, for the Isle of Man government to decide what the key principles of its planning system should be. We hope, however, that our analysis assists it in forming them.
Developing the key principles

8.4 To assist in challenging the politicians and officers about the need for change in the Isle of Man planning system, we used a list of high level key principles which we had developed. These principles were:

1. Be flexible and responsive to change
2. Be effective, value for money and perform well
3. Be transparent, fair and free from abuse
4. Be proportionate, simple and easy to use
5. Involve people
6. Meet the needs of, and benefit, the whole community.

8.5 We will now look at what these mean in a little more detail.

Flexible and responsive to change

8.6 Flexibility within the system enables it to react and respond to changing circumstances. This flexibility may relate to how policies are drafted and how quickly they can be changed, as circumstances change. It may also relate to how policies are implemented and how decisions are made on planning applications.

Effective, value for money and perform well

8.7 Being more effective is about better achieving your objectives and doing so in a way which makes good use of resources. This can relate to speeding up plan making, determining planning applications and the appeal process. It can relate to practical measures such as securing major infrastructure and unblocking stalled sites. Value for money is about maximising the impact of each pound spent on the planning system.

Transparent, fair and free from abuse

8.8 This is about ensuring that decisions made are open to public scrutiny, that it is clear which decisions have been made and why they have been made. It is about ensuring that there is consistency in decision making and that the planning system is not open to abuse, or perceptions of abuse.

Proportionate, simple and easy to use
8.9 This is all about reducing unnecessary bureaucracy, deregulating where appropriate and simplifying things. Being proportionate is also about not having forms of control when they are not needed. This can relate to extending permitted development rights and greater flexibility between use classes. It enables the freeing up of resources to allow a greater focus on the larger developments which will make the biggest contribution to the future development of the island. Simplifying the system is about having clearer policy and guidance documents. It can involve reducing the amount of information needed to support planning applications. Measures simplifying policy and guidance can also make the system easier to use, as can maximising the benefits of technology.

**Involve people**

8.10 This is about ensuring that elected politicians, statutory and non statutory consultees and the wider community are involved in the process. It is about the planning system being open to the involvement of the whole community so that people feel that they have a real say in the decisions that are made. It can also involve better approaches to dispute resolution.

**Meet the needs of, and benefit, the whole community**

8.11 This is about ensuring that planning benefits the whole community. It is about ensuring that development is sustainable and that there is a presumption in favour of sustainable development, but where this is balanced against other material considerations. It is about ensuring that the objectively assessed needs of the community are an important starting consideration. Benefits for the community from developments will be proportionate and have regard to viability. Infrastructure costs of development are met, where appropriate, by developers, again subject to viability.

**9. Understanding the views of officers and politicians**

**Engagement sessions**

9.1 We held two separate engagement sessions (see Appendix 1 for details): Session 1 was with politicians. The attendees were mainly from CoMin but also included two Tynwald members. Session 2 was with officer representatives from various government departments. These included town
planners and other related stakeholders, such as engineers, housing officers and those with responsibility for asset management.

9.2 In the sessions, participants were asked to consider, for each draft key principle, two questions, which were:

1. where they thought the Isle of Man planning system currently was
2. where they wanted the Isle of Man planning system to move to.

9.3 In order to be able to gauge whether the key principles were applicable to the Isle of Man, and to determine the need, scope and appetite for change, for both the overall system and for each key principle, we developed a range of options or scenarios, and set them within a scale of 1 to 5. The scenarios set out the different ways that a planning system might 'look like', depending on where on the scale they sat. Scenarios with a scale score of 1 are generally the most ambitious or radical, whilst a scale of core of 5 represented the least ambitious, and most restrictive.

**Outcomes and key messages**

9.4 We were pleased with the level of interest and the quality of discussions within the groups and we had positive feedback on the format and outcomes. Despite the necessary 'high level' nature of the key principles discussed, participants were enabled to set out issues of concern, whilst identifying the scale, direction and limits of potential reform.

9.5 We have set out below a summary of the outcomes from the events, using each key principle in turn.
### Key principle 1: Be flexible and responsive

<table>
<thead>
<tr>
<th>1 - Most responsive</th>
<th>A system where there is no process or set policy. Decisions are made instantly.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Policy and process is set at CoMin level as and when it considers it necessary. Decisions are made against CoMin policy (this could be restricted to policy set to respond to issues considered by CoMin to be of national interest).</td>
</tr>
<tr>
<td>3</td>
<td>Policy and process is set at CoMin level as and when it considers it necessary but such policy is approved by Tynwald. Decisions are made against Tynwald policy (this could be restricted to policy set to respond to issues considered by Tynwald to be of national interest).</td>
</tr>
<tr>
<td>4</td>
<td>There is periodic updating of planning policy through a process which has public engagement and various stages of approval, concluding with approval of Tynwald.</td>
</tr>
<tr>
<td>5 – Least responsive</td>
<td>Planning policy is fixed with no mechanism for amendment or updating and decisions must be in accordance with the policy that is in place.</td>
</tr>
</tbody>
</table>
Where we are now?

9.6 There was agreement in both sessions that the system should be more flexible and responsive. Politicians thought that the planning system was currently in the range of 4 or 5, i.e. less flexible and responsive. Officers differed slightly, with some groups scoring 3. This reflects the views expressed by some officers, that they considered the system did have some flexibility.

Where do we want to be?

9.7 Both politicians and officers agreed that the system needs to move to a system between 2 and 4 on the scale.

Key messages

9.8 Politicians were frustrated by out of date plans, the lack of clarity between government strategic aims and planning decisions, and there being too many documents and issues of material consideration. There needed to be a system of 'circular' review of policy where policy informs decision making and decision making (precedent) informs policy. A key message from politicians was for the system to be made more simple to use.

9.9 Officers agreed of the need to update plans more quickly, but thought that this could only be done if more resources were put into the system. They wanted a review of legislation to enable flexibility, for instance through the use of ministerial statements. They drew a distinction between long term strategic guidance and short term guidance, which could be more flexible. They had concerns about being too flexible, not least because of the need to provide certainty to developers. They identified that current decision making processes in different departments made it difficult to agree policy. They also questioned the ability to achieve change within the limited life span of Tynwald.
### Key principle 2: Be effective, value for money and perform well

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 - Most effective etc</strong></td>
<td>A system where planning policy documents are drawn up quickly and all planning applications are determined within tight target dates. Costs, including staffing levels, are kept low. A rigorous monitoring regime is in place. High level of oversight of adherence to targets. The system is proactive in attracting and securing development, unblocking stalled sites etc.</td>
</tr>
<tr>
<td><strong>2</strong></td>
<td>Planning policy documents are drawn up quickly and all planning applications are determined within reasonably tight target dates. Costs, including staffing levels, are kept low. A strict monitoring regime is in place. Adherence to targets is highly valued. The system is proactive in securing development, unblocking stalled sites etc.</td>
</tr>
<tr>
<td><strong>3</strong></td>
<td>Planning policy documents are drawn up less quickly but emphasis is given to ensuring that planning applications are determined within target dates. Costs, including staffing levels are kept low. A monitoring regime is in place. Adherence to targets is desirable. Less emphasis is given to being proactive.</td>
</tr>
<tr>
<td><strong>4</strong></td>
<td>Less emphasis on speed in both preparing planning policy documents and determining planning applications. The control of costs, including staffing levels is desirable. A light touch monitoring regime is in place. Adherence to targets is desirable. Less emphasis is given to being proactive.</td>
</tr>
<tr>
<td><strong>5 – Least effective etc</strong></td>
<td>Little or no emphasis on speed in both preparing planning policy documents and determining planning applications. The control of costs, including staffing levels, is not an issue. No monitoring regime is in place. Adherence to targets is not an issue. We’ll get things done eventually anyway! No emphasis given to being proactive.</td>
</tr>
</tbody>
</table>
Where we are now?

9.10 There was general agreement between both groups that the system was currently mid range on the scale of effectiveness and performance. Some officer groups thought that the development management system scored 2, being more effective and having a higher performance than the plan making system, which they scored at 4.

Where do we want to be?

9.11 Both sessions agreed that the target for effectiveness and performance should be 1 or 2 on the scale.

Key messages

9.12 Both sessions agreed that effectiveness and performance cannot be achieved without adequate resources. Politicians stated that the system needs to be more proactive and could achieve level 2 in this way. Politicians felt that more priority should be given to major applications, to improve speed and the quality of decisions. They also felt that monitoring systems should be improved to assist in identifying performance levels.

9.13 Officers questioned the term ‘effectiveness’. Does it mean speed or quality? Officers made a number of interesting and useful points:

- Speed should not be at the expense of quality.
- Policy must be based on robust evidence to avoid mistakes.
- They thought they were always firefighting and not able to be proactive.
- There are too many small applications and therefore they cannot focus on bigger schemes.
- They also felt that consistency of interpretation of government policy across departments should be improved, and that politicians sometimes respond to political pressure, further undermining the requirement for consistency.
- The quality of planning applications submitted by developers also needs to be improved.
Key principle 3: Be transparent, fair and free from abuse

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - Most transparent etc</td>
<td>All decisions, including on enforcement cases, are made at fully open planning committee meetings. There is a full system of public speaking at planning committee. All committee decisions and reports are freely available on a website. There is full oversight of decisions at Tynwald level. All planning decisions are subject to third party right of appeal. All stages of policy formulation are subject to oversight at Tynwald level and subject to consideration at a public hearing.</td>
</tr>
<tr>
<td>2</td>
<td>Most decisions, including on enforcement cases, are made at fully open planning committee meetings. There is limited delegation to officers of the least contentious cases. There is a full system of public speaking at planning committee. All committee and delegated decisions and reports are freely available on a website. There is full oversight of decisions at CoMin level. All planning decisions are subject to third party right of appeal. All stages of policy formulation are subject to oversight at CoMin level and subject to consideration at a public hearing.</td>
</tr>
<tr>
<td>3</td>
<td>Most decisions, other than on enforcement cases, are made at open planning committee meetings. There is a reasonable level of delegation to officers. There is a limited system of public speaking at planning committee. All committee and delegated decisions and reports are freely available on a website. There is limited oversight of decisions at CoMin level. All planning decisions are subject to third party right of appeal. Only significant stages of policy formulation are subject to oversight at CoMin level and only the final pre-publication stage of the development plan is subject to a public hearing.</td>
</tr>
<tr>
<td>4</td>
<td>Most decisions, other than the most contentious planning applications, are delegated to officers. There is no system of public speaking at planning committee. All committee and delegated decisions and reports are freely available on a website. There is no oversight of decisions at CoMin level. Third party right of appeal is present but subject to limitation. There is no oversight of stages of policy formulation and only the final pre-publication stage of the development plan is subject to a public hearing.</td>
</tr>
<tr>
<td>5 – Least transparent etc</td>
<td>All decisions are delegated to officers. Delegated decisions, not reports, are available on a website. There is no oversight of decisions. There is no third party right of appeal. There is no oversight of stages of policy formulation and the final pre-publication stage of the development plan is not subject to a public hearing.</td>
</tr>
</tbody>
</table>
Where we are now?

9.14 Both sessions agreed that the Isle of Man planning system was currently 3 or 4 on the scale.

Where do we want to be?

9.15 Both sessions agreed that the target for transparency and fairness was 2, although some officer groups thought that 3 would be appropriate but with more scrutiny.

Key messages

9.16 There was an agreement between the two sessions on an important issue, that of political involvement and influence in decision making. Both wanted to depoliticise decision making. Officers considered that politicians should have ownership of policy but not decisions.

9.17 Politicians stated that given that 90% of planning application decisions are by delegated authority, the process needs to be transparent. This also applied to enforcement. They wanted to decrease the number of planning committee meetings by increasing permitted development rights. Politicians agreed that the 3rd party appeal system should be removed.

9.18 Politicians asked whether the culture of planning could be changed through training, to make it more flexible. They felt that planners sometimes failed to understand the enormous issues faced by government.

9.19 Politicians thought that the perception of abuse in the planning system needs to be addressed.

9.20 Officers agreed with politicians that all parts of planning, including enforcement and CoMin meetings, should be more transparent. Officers also made a number of interesting and useful points:

- There should be some form of independent oversight of CoMin when decisions are overturned.
- There should be a clear demarcation between politician and officer roles.
- Inspectors’ reports should be binding.
- Politicians need to be involved in policy development from the outset so that they understand and ‘own’ the policy and have inputted their views throughout.
- There was confusion about departmental decision making.
- It was difficult to get 'buy in' across the whole government structure.
- Planning issues were not given priority by politicians.
- Concern was expressed about the difficulty in developing and agreeing strategic issues because of local interests and interference by politicians.
### Key principle 4: Be proportionate, simple and easy to use

<table>
<thead>
<tr>
<th>1 - Most proportionate</th>
<th>No planning system at all. Let the market decide!</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>A system based on deregulation and simplification. Extensive permitted development rights, removing the need for planning approval for all but the most significant developments. Even these could be deemed to be automatically permitted if in line with a light touch planning framework, for example a 'simplified planning zone'. No development plan.</td>
</tr>
<tr>
<td>3</td>
<td>A system based on deregulation and simplification but plan led. Extensive permitted development rights, removing the need for planning approval for all but the more significant developments. A simple development plan regime confined to a statement of national policy and core policies relating to housing and economic growth.</td>
</tr>
<tr>
<td>4</td>
<td>Extensive permitted development rights. Extensive use of 'deemed' permission and 'prior approval'. Simple use classes. Simplified application process with an emphasis on not requiring information to be submitted unless it is absolutely necessary. Planning conditions are only used when absolutely necessary. A simple consent process to deal with Registered Buildings and conservation areas. A plan led system, with a single light touch development plan dealing primarily with 'core' policies.</td>
</tr>
<tr>
<td>5</td>
<td>Some permitted development rights but more development requires planning approval. A reasonably simple application process but more information is needed to support them. Planning conditions are used when appropriate. A consent process deals with Registered Buildings and conservation areas. A plan led system with a hierarchy of plans.</td>
</tr>
<tr>
<td>6 – Least proportionate</td>
<td>No or few permitted development rights. Extensive information requirements. Planning conditions are used when appropriate. A consent process deals with Registered Buildings and conservation areas. A plan led system with a hierarchy of plans.</td>
</tr>
</tbody>
</table>
Where we are now?

9.21 Both sessions agreed that the Isle of Man planning system was currently at 5 in the scale.

Where do we want to be?

9.22 Politicians wanted to move to level 3 or 4, whilst officers wanted to move to 4 or stay at 5 on the scale.

Key messages

9.23 Politicians thought that expanding permitted development was a key issue, but not too far, too quickly. The importance of planning application fee income should not prevent the introduction of more permitted development. Indeed, more permitted development may be more cost effective, as time would not be wasted on dealing with minor applications. More time could be spent on fewer, more important, projects.

9.24 Officers seemed committed to simplifying the system with:

- the use of more development orders
- more permitted development within the right framework
- expanding use classes and allowing more permitted change of use
- exploring other forms of simplified planning, e.g. simplified planning zones
- expanding the use and scope of S13 agreements
- more supplementary planning guidance for major sites.

9.25 It should be noted, however, that to better inform policy and enable restrictions of permitted development in particular areas, some officers suggested that better evidence, for example characterisation assessments, was needed.
## Key principle 5: Involve people

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 - Most engagement</strong></td>
<td>Decisions on planning applications are made at the local (community or parish) level. Development Plans are drawn up at the community level with no national policy. Full engagement of the local community in the planning process, with use of referendums to approve planning policies and the power to make decisions on planning applications. Extensive use of public meetings and online interaction to gauge public opinion.</td>
</tr>
<tr>
<td><strong>2</strong></td>
<td>Decisions on planning applications are made at the local (community or parish) level. Development Plans are drawn up at the community level with a national statement of policy and core policies relating to housing and economic growth set at the government level. Extensive use of referendums, public meetings, online interaction to gauge public opinion.</td>
</tr>
<tr>
<td><strong>3</strong></td>
<td>Decisions on planning applications are made at the national level but with formal consultation with the local community (at parish level). Development Plans are drawn up at the national level but in consultation with the local community. Use of public meetings, online interaction to gauge public opinion.</td>
</tr>
<tr>
<td><strong>4</strong></td>
<td>Decisions on planning applications are made at the national level but in consultation with local residents. Development Plans are drawn up at the national level but in consultation with the local community.</td>
</tr>
<tr>
<td><strong>5 – Least engagement</strong></td>
<td>No formal involvement by local communities. No publicising of planning applications or development plans.</td>
</tr>
</tbody>
</table>
Where we are now?

9.26 Both sessions agreed that the Isle of Man planning system was currently at 3 or 4 in the scale.

Where do we want to be?

9.27 Politicians thought that level 3 to 4 was the right target, whilst officers thought it should be level 3 but with some aspects of public engagement at level 2.

Key messages

9.28 Politicians expressed concern that level 2 would not be workable. They thought it was important to remember that the Isle of Man is already at a ‘local’ level and that the scale of the Isle of Man needs to be borne in mind when considering the need for formal community or neighbourhood level planning. They thought that there should be different types or levels of public involvement, for different scales of project.

9.29 Officers felt that, whilst additional participation stages were not always necessary, better methods of public involvement were needed to improve responses and community involvement. Officers were generally of the view that ‘localism’ would be too confusing, as there are too many parishes. They thought that some local authorities are not currently able or equipped to move as far as level 2. Some officers thought that rather than introduce more stages of participation, more effort and resources should be put into doing what they already do, so it is done better. Officers recognised that there is a need to build up the capacity of the local community to engage in the planning system, for example through the evolution of Local Regeneration Committees into new Local Economic Committees. Officers did, however, think that better engagement could only be achieved with more resources and the increased use of IT.
# Key principle 6: Meets the needs of, and benefits the whole community

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 - Most benefit</strong></td>
<td>Only sustainable development is approved. The objectively assessed needs of the community can be met in full. Maximised benefit for the community from developments. Infrastructure costs of development are met in full by developers.</td>
</tr>
<tr>
<td><strong>2</strong></td>
<td>Only sustainable development is approved. The objectively assessed needs of the community can be met in full. Benefits for the community from developments will be proportionate and have regard to viability. Infrastructure costs of development are met in part by developers, again subject to viability.</td>
</tr>
<tr>
<td><strong>3</strong></td>
<td>There is a presumption in favour of sustainable development but this needs to be balanced against other material considerations. The objectively assessed needs of the community should be met. Benefits for the community from developments will be proportionate and have regard to viability. Infrastructure costs of development are met in part by developers, again subject to viability.</td>
</tr>
<tr>
<td><strong>4</strong></td>
<td>There is a presumption in favour of sustainable development but this needs to be balanced against other material considerations. The objectively assessed needs of the community are an important consideration. Benefits for the community from developments will be proportionate and have regard to viability. Infrastructure costs of development are met in part by developers, again subject to viability.</td>
</tr>
<tr>
<td><strong>5 – Least benefit</strong></td>
<td>Development need not be sustainable. The needs of the community are not a consideration. There are no community benefits from development. Infrastructure costs should be met by the government.</td>
</tr>
</tbody>
</table>
Where we are now?

9.30 Politicians thought that the Isle of Man planning system was at level 4 or 5 at the moment, whilst officers thought it was at level 3 or 4.

Where do we want to be?

9.31 Politicians thought that level 3 or 4 was the right target, whilst officers thought it should be between level 2 and 3

Key messages

9.32 Politicians thought that the deliverability of schemes was good for everyone. They were concerned that planning was not infrastructure led. Who pays for infrastructure was also a concern. Should government pick up costs of infrastructure or developers? Politicians were concerned about the impact on development of requiring more extensive contributions. They thought that the potential for 'pump priming' of infrastructure to assist the delivery of major schemes should be considered together with some form of claw back

9.33 Officers felt that developer contributions, where there is a commercial value, are appropriate. Where developments are commercially viable developers should be expected to contribute more. Viability should be a key test. Officers agreed with politicians that there needs to be a greater degree of infrastructure led planning. There needs to be better integration of infrastructure planning and funding in the planning system from the start. They also agreed that government should consider 'pump-priming' major infrastructure to bring forward projects and then claw back costs, at an appropriate scale. Local authorities should have a better idea of their local needs as a starting point in negotiations with developers. Some politicians thought that consideration should be given to ring fencing contributions from developers but queried whether this was possible within the current financial regulations.
Conclusions

9.34 It is clear from the two engagement sessions that there is general agreement over the need for changes to the current planning system and that there is an appetite for reform. Whilst there were some differences in scoring of proposed scale of change between politicians and officers, these were not significant.

9.35 One result of these sessions is a revision of the key principles. More on that later, in Section 11 of this report.

9.36 There are a number of key messages on which both politicians and officers were in agreement. These are, the need to:

### Key messages

- define the role of politicians in the planning process
- depoliticise the planning application process
- prioritise major applications: local versus national
- simplify the planning system through greater use of permitted development, reform of use classes and increased use of development orders
- reform legislation to provide flexibility and simplification, and to define the role of politicians in making guidance
- make the planning system more accessible and easier to understand for everyone - all documents to be simplified
- improve strategic planning and infrastructure planning and delivery
- improve the way public engagement takes place
- provide greater resources to deliver a modern, simple, responsive and effective system.
10. Key issues and challenges

Key issues facing the planning system

10.1 The Isle of Man is facing a number of issues at present, not least the need to grow. The recently adopted Strategic Plan makes provision for additional homes within the plan period up to 2026 and how they are distributed. The projected growth may take the island’s population beyond 93,500 in 2026, a 10% increase since the census in 2011.

10.2 Population growth brings with it the need for more homes and more jobs. Both physical and community infrastructure needs to be provided so that growth can be accommodated and sustained. This increased level of development will inevitably place a further burden on the current planning system, with the need to identify and plan for growth areas. It will mean more applications and put a greater strain on the delicate balance between growth and protection.

10.3 As the population grows, so too does the need for affordable housing. This very current issue has been the subject of much debate. Greater strain will be placed on existing services. Pressure will be exerted on the countryside which needs to be protected and preserved as far as possible. A key issue will be the capacity of existing towns to accommodate growth sustainably. As outlined earlier in this report, any planning system aims to be responsive, flexible, transparent, fair and effective at encouraging development in a way that is sustainable: for ourselves and future generations.

10.4 The island has been recently designated as a UNESCO ‘Biosphere Reserve’. It is recognised as an international site of excellence where active conservation sits alongside responsible development. The island is seen as a ‘living landscape’ where there is a more balanced relationship between people and nature. This further highlights the need for a planning system that is easy to interpret, up to date, flexible yet robust.

10.5 To ensure the island is attractive to inward investors, regeneration activity has taken place in recent years, focussed on the main towns and villages. With the pressure to grow, that trend is likely to continue. Redevelopment and infilling is, however, unlikely to meet all the growth requirements. New sites, outside the confines of existing towns and villages, may need to be found. Infrastructure will require funding. There will be a pressing need for the planning system to play its full part in accommodating and securing this growth agenda. For both developers and the wider community, certainty in
relation to process and outcomes from the planning system will be paramount. Opportunities will need to be grasped and speed and clarity within the planning system will be crucial to their success.

**Previous review of the system**

10.6 The issues referred to above reflect both current and future changes to the island. Such change is not unexpected and is part of the ongoing development of the island. As we have outlined, such change places further pressure on the operation of the planning system which, from time to time, needs to be checked to ensure that it remains fit for purpose.

10.7 As outlined in Part A of this report, the current primary legislation, which underpins the planning system, dates back to the 1999 Act. Significant changes then took place in 2005 as Parts 2 to 5 of the act were brought into operation, together with the subsequent approval of associated secondary legislation.

10.8 In terms of evaluating the operation of the system, one independent review has been carried out since 2005. This was undertaken in 2008 by the Improvement and Development Agency (IDeA). This peer review looked closely at process issues within the system and made a number of recommendations. The Isle of Man government published its response following further consultation two years later. Some of the recommendations were comparatively minor, and in some cases they had already been put in place. Some required new legislation but not all of the recommendations were taken forward, and some were rejected.

10.9 The key recommendations and resulting actions included:

- amendments to the third party right of appeal, some of which have been implemented
- minor changes to permitted development rights which have been implemented
- giving priority to robust evidence base and ensuring the delivery of a robust planning policy framework, resulting in the Area Plan for the South (2013) and an updated Strategic Plan (2016)
- changes to the operation of the Planning Committee, most of which were implemented, including public speaking
- training and development for Local Authority Commissioners in policy, procedures and law, where again some progress has been made
- strengthening leadership and the strategic contribution of planning across government
• developing a comprehensive e-planning strategy and improving routine performance data collection and analysis, all of which is ongoing
• improving the flexibility and effectiveness of the planning service through, for example, extending permitted development rights, which were carried out
• strengthening the focus on customer service
• managing performance effectively for the benefit of the public, which is an ongoing objective.

10.10 The review was detailed and very much process driven. It recognised a number of issues and problems in the operation of the system at that time and highlighted the need for change. A number of changes have been made and some remain ongoing.

10.11 As the island continues to grow, the planning system will be further scrutinised.

The challenges facing the planning system

10.12 Based on our review of the current system in place in the Isle of Man and views expressed by both politicians and officers, a number of key ‘challenges’ presented by the current planning system are revealed. These link in part to the draft key principles discussed in Section 8 of this report and will be further developed in Part D, which concentrates on reform.

Being ‘up to date’

10.13 Being ‘up to date’ has been referred to on a number of occasions, in terms of legislation, policy and guidance. These provide the framework for the system: the ‘nuts and bolts’. As such they need to be as up to date as possible to reflect any changes as they emerge. They should also be regularly monitored. The previous review looked at similar issues.

10.14 As a single tier planning authority, the Isle of Man sets out its own planning policy and guidance and then applies it. We noted that much of the Isle of Man’s guidance is now quite dated and this can lead to a disconnect with current government policy aims. It can also confuse applicants, lead to delays, more appeals and generally reflect badly on the planning service. We have recognised that progress with development plan making is slow, but this is often the case given the complexity of the task. This in turn causes confusion and delays through the planning application process and can lead to ‘ad hoc’ decisions undermining trust in a planned system.
10.15 If legislation, guidance and policy within existing local plans are still seen as relevant and appropriate, they can in turn be viewed as up to date. However, where the system is seen to be out of date, the challenge is to update quickly.

**Introducing greater flexibility**

10.16 Flexibility within the system enables it to react and respond to changing circumstances. We noted that politicians were frustrated by out of date plans and by the fact that they were treated as ‘tablets of stone’. However, we also noted an acknowledgement from officers that plans needed to be produced more quickly and include a mechanism for flexibility. Politicians wanted a system that was more simple to use.

10.17 Introducing such flexibility into an existing system is a key challenge and one which needs to be carefully implemented.

**Being more effective**

10.18 Being more effective is all about economy of input, efficiency of process, leading to speed of output, but most importantly quality of outcome. Thus it covers simplifying planning approval processes, but also enabling the building of new homes, creating high quality new places and bringing disused or neglected land and buildings back into productive use.

10.19 Speed, both of plan production and decision making, is a key part of any planning system. Recent changes across the UK and further afield have been aimed at speeding things up and cutting red tape. These changes have been in recognition of the fact that systems have become too cumbersome, complex and not easy to understand, not only by the public but also those implementing them.

10.20 The system needs an ability to react quickly to short term issues and strategies. Although, it is difficult to draw a direct comparison due to differences in how application statistics are recorded, the speed with which planning applications are dealt with is broadly comparable to, for example, England. There is no doubt however that applications could be determined more quickly. Measures could be put in place to achieve this. Further policy guidance could be introduced to aid and speed up plan making, and this could, if required, take precedence over adopted development plans. The challenge is one of getting the balance right and ensuring the integrity of the system.
Joined up working

10.21 The system also requires a strong link between the government and its politicians and the officers responsible for managing, implementing and operating the system. It is recognised that politicians and officers need to work together in the decision making process, and policy needs to be owned by both. Last minute changes should be avoided and consistency of decision making is required. It is acknowledged by both politicians and officers that the process for making development management decisions should be depoliticised.

10.22 Better coordination between departments on planning related issues is also required and this can ensure that policy and plans can be updated quickly, infrastructure delivery is fully integrated into plan making, and consultation is carried out effectively.

10.23 Additional resources may be required for any necessary changes to the system to be made within a reasonable timeframe. Both politicians and officers recognised that high effectiveness and performance cannot be achieved without adequate resources. The challenge here is to achieve ownership of the system, so that it can operate in the most efficient and effective way.

Involving the public

10.24 We have already highlighted a number of issues with regard to how the current system engages with the public. Having a system which is open and transparent can help to avoid a perception of abuse. Changes were made after the 2008 review, such as public speaking at Planning Committee. However, the system could be more accessible and easier to understand for everyone. Planning documents of all kinds could be simplified and public engagement improved. Improvements to the government's planning website, particularly relating to ease of use, could play an important role in facilitating increased involvement, by the whole community, in the planning system.

10.25 The challenge here is in looking at how new models of participation could be explored and that better use is made of technology to engage the public and to record and respond to their views.

Being more proportionate

10.26 A planning system is made more efficient, if any unnecessary bureaucracy is removed and if the number of planning applications is reduced.
10.27 As outlined earlier, permitted development rights could be further extended, reflecting the changes made in other jurisdictions. Changes to the use classes, increased use of development orders and greater use of technology could further simplify the system. Users of the system also require greater clarity., This could be in respect of obligations (Section 13), information requirements and checklists.

10.28 The challenge is how best to introduce such measures. Can they be done quickly or will there be a long gestation period, during which time events have moved on, and new issues and challenges have emerged?

Making things more simple

10.29 The planning system could be made less complex and more accessible. This is a common theme. There are advantages in reducing the number of policy pages in any planning system. The NPPF in England is a good example of this. Planning guidance plays an important role in ensuring that policy is clear and that the system is accessible. It could be published online and regularly updated, as is the case for the Planning Practice Guidance (PPG) in England.

10.30 In the Isle of Man, changes, in recent years, have been relatively minor and incremental. They reflect changing circumstances and are aimed at improving the current system, making it work more effectively. The question here is the extent to which the system is to be simplified. The choices range from minor, incremental change to a more fundamental and radical overhaul.

Improving decision making

10.31 All systems require consistency in the decision making process. It must, however, be recognised that no system is perfect. From time to time, decisions and actions can be taken which question the transparency of the system.

10.32 As outlined earlier, there is recognition that ownership of the system by both politicians and officers is a fundamental aim. Training can be used to ensure there is a fuller understanding of the way the system works and also to look closely at key areas where inconsistency can lead to lack of trust in the system and undermine it.

Moving forward

10.33 The challenges faced by the system are similar to those it has faced since its introduction. New issues evolve and the system is expected to adapt each time. Minor incremental changes can sometimes hide the need for more
fundamental change. Careful monitoring and review of the planning system is required to ensure it remains fit for purpose.

10.34 The issues and challenges lead us to the next stages of this report which will further develop the key principles and in turn inform the way system can evolve and change. We will also consider potential reforms.
Part D: Potential Reforms

11. Developing the revised key principles of the planning system

Revised key principles

11.1 In section 9 of this report we set out how we carried out two workshops: one with officers and one with politicians. In those workshops we asked attendees to consider various scenarios which relate to the draft key principles for the planning system that we set out in Section 8 of this report. The feedback from those workshops and from our other discussions has enabled us to refine the key principles. Our revised principles are set out below:

1. Be flexible and responsive to change
2. Be effective
3. Be transparent, fair and free from abuse
4. Be proportionate,
5. Be simple and easy to use
6. Involve people
7. Meet the needs of, and benefit the whole community

11.2 Draft key principle 1 is unchanged. Draft key principle 2 has been revised. The reference to 'value for money and perform well' has been deleted. We feel that, as originally worded, it confuses 'effectiveness' with 'efficiency'. The former is about quality outcomes for a given input and the latter about outputs and process. We feel that the key principles of the system should be more about the underlying 'philosophy' of the system, not simply about process.

11.3 Draft key principle 3 remains unchanged. We have split draft key principle 4, drawing a distinction between a system 'being proportionate' and being 'simple and easy to use'. We concluded that they are sufficiently different and both significant enough to sit as separate key principles.

11.4 Draft key principles 5 and 6 remain unchanged (but are renumbered as key principles 6 and 7).
Key principles and the reform of the planning system

11.5 Before looking in detail at possible reforms to the Isle of Man planning system (which we will do in section 12 of this report), we will look at what applying the key principles might mean for reforming the system. We will do this by looking at each key principle in turn.

Key Principle 1: Flexible and responsive to change

11.6 Officers and politicians have told us that the system is currently not very flexible and responsive and generally thought that it could be more so.

11.7 The key implications of being a little more flexible for moving forward in reforming the planning system are:

Key considerations

- Legislation needs to be reviewed.
- There needs to be stronger and clearer policy and guidance, which needs to be reviewed more frequently and updated more quickly and so be able to influence development plans and planning decisions in the 'interim' periods between plan updates. Policy updates and guidance should be in the form of formal ministerial statements, which are first published in draft, subject to a short consultation and then issued as a final official version.
- A distinction can be drawn between long term strategic guidance and short term guidance, with the latter being more flexible.

Key Principle 2: Be effective

11.8 Officers and politicians told us that the system was currently fairly effective. The observation of officers that the development management system was more effective than the plan making system seems to be an accurate assessment. There was, however, consensus for the need to be more effective.

11.9 The key considerations arising from aiming to be more effective when moving forward in reforming the planning system are:
Key Principle 3: Be transparent, fair and free from abuse

11.10 Officers and politicians have told us that the system was currently not very transparent and there was consensus that it should be a little more transparent, with a need for more scrutiny.

11.11 The key considerations arising from being more transparent, when moving forward in reforming the planning system are:

Key considerations

- The need to improve the plan making system
  - Can it be streamlined?
  - Can the plan making process be speeded up?
  - Is more and better monitoring needed, to inform the plan making process?

- The need to improve the planning application process, particularly in relation to:
  - the pre-application and post decision stages
  - the use of conditions
  - enabling non material changes
  - engagement with statutory consultees
  - differentiating between different types of planning applications e.g. prioritising major applications.

- The appeals system needs to be clearer and quicker.

- Practical measures need to be in place in relation to, for example, securing major infrastructure and unblocking stalled sites.

- The relationship between officers and politicians would need to be looked at.
  - What are their respective roles?
  - Should politicians be involved in policy making but not decision making?

- Consideration would need to be given to how decisions on planning applications are made.
  - Could the system of delegated decisions on planning applications be more transparent?
  - Is there a need for greater openness and scrutiny in decisions
Key Principle 4: Be proportionate

11.12 Officers and politicians have told us that the system was currently not very 'proportionate' but agreed that it should be much more so.

11.13 The key considerations arising from being more proportionate, when moving forward in reforming the planning system are:

Key considerations

- Exploring the use of 'simplified planning regimes', including
  - more development orders
  - Simplified Planning Zones
- Clearer policy and guidance:
  - Can it be streamlined?
  - Is there a role for more supplementary planning guidance?
- The need to look at deregulation, for example:
  - looking at much more extensive permitted development rights
  - much greater flexibility between use classes
- Considering streamlining consent procedures, for example a single 'planning' and heritage consent
- Considering the effectiveness and use of planning conditions
- Looking at the relationship between planning, building regulations, environmental health and other environmental consents to reduce overlap and ease the regulatory burden on applicants
- Reducing the amount of information needed to support planning applications.
Key Principle 5: Be simple and easy to use

11.14 Officers and politicians have told us that the system was currently not very simple or easy to use, but agreed that it should be much more so.

11.15 The key considerations arising from simplifying the system, when moving forward in reforming that system are:

Key considerations

- Legislation needs to be reviewed.
- There needs to be stronger and clearer policy and guidance, which needs to be reviewed more frequently and updated more quickly.
- In the 'interim' between plan updates, policy updates and guidance should be in the form of ministerial statements.
- A distinction can be drawn between long term strategic guidance and short term guidance, with the latter being more flexible.
- Legislation and planning documents need to be simpler and written in plain English (while ensuring no ambiguity). Any changes should be incorporated into consolidated documents so as to avoid confusion and improve clarity.
- Maximising the benefits of technology

Key Principle 6: Involve people

11.16 Officers and politicians have told us that at present there was a fair level of engagement of the community in the planning system. There was no consensus in moving forward, with politicians sensing the need for no greater level of involvement but officers wanting less. Officers and politicians did, however, see some scope for looking at better ways of involving people in the planning system.

11.17 The key considerations arising from better public involvement in the planning system, when moving forward in reforming that system are:
Key Principle 7: Meet the needs of, and benefit, the whole community

11.18 Officers and politicians have told us that at present the planning system does not meet the needs of, or secure sufficient benefit for, the whole community. There was general consensus that it could do more.

11.19 The key considerations arising from better meeting the needs of the whole community, and securing greater benefit for that community, are:

Key considerations

- Looking at when people are invited to participate in the planning system.
  - Could more stages of involvement in the plan making process be introduced without adding unduly to the time taken to prepare plans?
- Looking at ways to build up the capacity of the local community to engage in the planning system
- Looking at better utilising technology
- Looking at different models of engagement and using professional specialist companies.

Key considerations

- Consideration needs to be given to who pays for infrastructure. To what extent should developers pay?
- There needs to be a greater degree of infrastructure led planning
- Consideration would need to be given to:
  - viability
  - expanding the use and scope of S13 agreements
  - 'pump priming' of infrastructure to assist the delivery of major schemes with subsequent appropriate claw back.

11.20 In the next section of this report, where we look at potential options for reform of the planning system, we have had regard to these key principles. We would suggest that when the government makes any decisions on moving forward with a reform programme, it does the same.
12. Potential Reforms

Identifying current gaps

12.1 As highlighted in this report, an opportunity exists to completely rewrite the long established ‘fundamentals’ of what planning does, and how it does it. The Isle of Man could reform and improve on what it already has, ‘cherry pick’ from best practice elsewhere or develop a completely unique approach.

12.2 In section 10 we identified a number of issues and challenges that the current system faces. Growth, and how it is managed, is a key challenge. The system will therefore be under close scrutiny. Questions will be asked: Is it performing well? Is it fit for purpose? Does it meet the needs of politicians, residents, investors and businesses? In section 11, we developed the key principles which underpin the planning system further. We will use these key principles as a framework for considering potential reforms.

12.3 As part of this review, we have identified a number of possible ‘gaps’ in the system. These have been identified both through analysis of the current system and in the views expressed by politicians and officers. These gaps can be broken down into the following broad areas:

- general and organisational
- legislation and guidance
- policy and development management.

General and organisational

12.4 At present there is no programme or formal strategy in place to address the responsiveness, efficiency and streamlining of the planning system. This review is part of that programme but it will also require further development and regular monitoring. The need for monitoring is vital. It has been highlighted as necessary in previous reviews, and has become an important feature of planning improvement strategies elsewhere. It is recognised that politicians and officers need to work together in the decision making process, and policy needs to be owned by both.

12.5 The planning system could be made less complex and more accessible. It needs to be accepted that additional resources may be required if any necessary changes to the system need to be made within a reasonable timeframe and for the new system to work effectively.
12.6 An agreed programme for regular and consistent training for staff, politicians and planning committee members does not currently exist. Training is carried out on an ad hoc basis. By introducing such a programme the changing needs of the system can be reflected and the views and comments of participants in that system can be captured and monitored.

12.7 The website could be improved, in terms of its accessibility, use of plain English, ease of navigation, currency and image. This in turn could play an important role in facilitating increased involvement, by the whole community, in the planning system. There is currently no specific resource available to professionals relating to best practice and service improvement.

Legislation and guidance

12.8 Legislation has not been consolidated, or comprehensively updated. Much of the policy guidance is now quite dated and fragmented. Being up to date is an aspiration for both politicians and officers operating the system and this could relate to legislation, policy and guidance.

Policy

12.9 Importantly, the current system does not provide for direct government policy advice to influence development plans. In addition, progress with development plan making is slow. This was recognised in previous reviews and continues to be the case. Additional policy guidance could be introduced to aid and speed up plan making. This could take precedence over adopted plans, if required. Development plans need to have stronger links to infrastructure provision (and identify responsibility for providing that infrastructure) and need to clearly address issues of viability.

Development management

12.10 Permitted development could be more extensive, use classes could be reviewed, use of development orders could increase and separate procedures could be put in place to deal with national infrastructure and major planning applications. Procedures could be introduced to allow smaller scale non material or greater scale material changes to planning approvals without the need for a new application. The system for securing developer contributions could also be more developed. The role of appropriate EIA in plan making and planning decisions needs to be examined further.

12.11 In terms of process, there is currently no procedure for specifically publicising planning applications which depart from an adopted development plan. There is a need for a specific document which sets out when and how people and
communities will be invited to participate in the planning process. There is also no standard neighbour notification procedure for planning applications.

12.12 Further use could be made of technology to engage the public and to record and respond to their views.

Summary

Gaps in the system - our suggestions:

- A programme is required which addresses the responsiveness, efficiency and streamlining of the planning system, with regular monitoring built in.
- Policy needs to be 'owned' by both politicians and officers. The roles of each need to be clarified in the decision making process.
- Additional resources may be needed if good and worthwhile progress is to be made, in furthering a planning reform programme within a reasonable timescale. An agreed programme for training, of officers and politicians, needs to be drawn up and introduced.
- A programme to improve website accessibility needs to be developed. This should be aimed at facilitating increased involvement by the community.
- Resources need to be made available to professionals, relating to best practice and service improvement.
- Legislation has not been consolidated and much of the guidance is now quite dated. Updating and consolidating legislation should also focus on making it clear and simple.
- Effective mechanisms are required to assist government in being able to quickly change planning policy and policy guidance.
- Development plans need to have stronger links to infrastructure provision.
- A programme of review is required to look at introducing more extensive permitted development, reform of use classes, use of development orders and separate procedures for major applications.
- A procedure needs to be put in place, for smaller scale non material changes to planning approvals without the need for a new application.
- Work needs to take place on the pros and cons of developing a more comprehensive system for securing developer contributions.
- A protocol or 'charter' is needed, which sets out clearly, when and how people and communities will be invited to participate in the planning process. This should include a procedure for notifying neighbours of planning applications and publicising those which depart from an
Options for change

12.13 We have set out below three options for change:

- Option A: limited change
- Option B: some and incremental change
- Option C: radical reform.

12.14 For each of these, we have outlined a range of possible reform actions together with an indication of the degree to which they contribute to the key principles. It is important to note that the options are only intended to give a broad description of how the planning system could look and the scale of change involved. They are not mutually exclusive and the government may wish to pick and choose.

12.15 The tables below use the following key:

**Contribution to key principles**

1. Be flexible and responsive to change
2. Be effective
3. Be transparent, fair and free from abuse
4. Be proportionate
5. Be simple and easy to use
6. Involve people
7. Meet the needs of, and benefit the whole community

Score: + some contribution, ++major contribution

12.16 In Section 11, we set out the views of officers and politicians in terms of where they see the general direction in which the planning system needs to move. We have been mindful of these views in setting the tone of the possible reforms outlined in the remainder of this section. We have, however, tried also
to give a diversity of options. In deciding on the scope of any reform programme, the government will wish to ensure that its approach has a clear strategy and be focussed on how it can best position the system so that it reflects its preferred key principles.

**Option A: Limited change**

12.17 Under this option, the planning system would remain more or less as it is with minor changes to secondary legislation. Existing draft Planning Policy Statements (PPSs) would be updated and approved by Tynwald, and other new PPSs would be prepared for issues such as environmental impact assessment, and major infrastructure.

**Summary of potential reform actions**

<table>
<thead>
<tr>
<th>Category</th>
<th>Potential actions</th>
<th>Contribution to key principles</th>
</tr>
</thead>
</table>
| **The legislative framework, national planning policy and guidance** | • Minor review of primary legislation  
• Subsequent updates/ additions to be consolidated  
• No change to current Planning Policy Statement (PPS) procedure. Emphasis given to improving the clarity of PPSs by updating existing drafts and adopting new PPSs dealing with, for example:  
  o Environmental Impact Assessments  
  o the use and limitations for developer contributions  
  o procedures for dealing with major infrastructure and development.  
• All to be approved by Tynwald. | 2+  
5+ |
| **Strategic and local planning including at the most local level** | • No change, but consideration given to reducing the number of Area Plans. | 4+ |
| **Development management community,**        | • A focussed review of development management processes would be carried out to secure some 'quick hit' improvements in | 2+  
3+  
5+ |
<table>
<thead>
<tr>
<th>Category</th>
<th>Potential actions</th>
<th>Contribution to key principles</th>
</tr>
</thead>
<tbody>
<tr>
<td>infrastructure levy/developer contributions, major infrastructure development</td>
<td>relation to improving performance, limited expansion of permitted development, update of application guidance, procedures and improvements to web site.</td>
<td>7+</td>
</tr>
</tbody>
</table>
| Organisation and performance                  | • No structural change  
• Improvements to departmental planning coordination through establishment of a standing joint planning and infrastructure committee.                                                                                       | 1+                            |
| Stakeholder engagement, transparency and planning advice | • No significant change in terms of when participation takes place in development plan and planning application procedures.  
• Clear rules set out for neighbour consultation on planning applications.  
• Improve consultation methods and consider latest technology for engaging community and recoding and responding to comments.  
• Work with the Royal Town Planning Institute to establish 'Planning Aid' service on the island.                                                                                             | 2+                            |

**B. Some and incremental change**

12.18 Under this option, the 1999 Town and Country Planning Act would be updated and consolidated, bringing together all of the secondary legislation and recent changes following the updated Strategic Plan (2016). The current development plan and planning guidance system could be reformed to introduce simplified national planning principles, accompanied by clear and detailed technical guidance, which would guide development plans and planning decisions. New PPSs would give government guidance on a range of issues and government aims and objectives, including targets for economic growth and infrastructure planning. These would direct that specific development orders be prepared, to help deliver these policy objectives.
12.19 Politicians would be required to provide written statements on planning applications in their capacity of representing their local constituents.

12.20 Most of the development plan and planning application process would be retained, largely as it is now, with some improvements to simplify procedure. Permitted development will be extended by a introducing a new permitted development order, greater use of development orders for specific geographic areas, and a review of use classes, to allow greater freedom of change between uses. A review would take place, looking at the role of planning and its linkages to other forms of regulatory control, to ensure that there is no duplication and that related and complementary processes work well together.

Summary of potential reform actions

<table>
<thead>
<tr>
<th>Category</th>
<th>Potential actions</th>
<th>Contribution to key principles</th>
</tr>
</thead>
</table>
| The legislative framework, national planning policy and guidance | • Existing primary and secondary legislation to be amended and updated. New simplified primary and secondary legislation to be brought in, capturing final agreed reforms. It would be written in plain and unambiguous language, and have a clear structure.  
• Subsequent updates and additions to be consolidated.  
• A new simplified National Planning Framework to be adopted. This would set out planning policy principles, which would guide development plans and planning decisions. The framework would also set out the strategic spatial strategy and would contain or be linked to a new National Infrastructure Strategy, which would set out the need for, and programming and funding of, nationally important infrastructure.  
• These documents would be subject to consultation at the draft stage, and then approved by Tynwald.  
• Reviews of these documents should include a statement of changes required to any existing development plans and/or development orders which conflict with | 2++  
5++ |
<table>
<thead>
<tr>
<th>Category</th>
<th>Potential actions</th>
<th>Contribution to key principles</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>their intended aims.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Where necessary, urgent actions should be brought into effect through a new form of planning policy statement or development orders, possibly time limited. They would also be used to clarify policy as it is to be applied in development plans and the determination of planning applications. These should be subject to consultation at draft stage and then approved by Tynwald.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Accompanying this, there would be detailed technical guidance and clarifications as to how all aspects of the planning system should work.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• A review would take place, looking at the role of planning and its linkages to other forms of regulatory control, to ensure that there is no duplication and that related and complementary processes work well together.</td>
<td></td>
</tr>
<tr>
<td>Strategic and local planning including at the most local level</td>
<td>• Strategic Plan would be replaced by the new simplified National Planning Policy Framework (see above).</td>
<td>1+</td>
</tr>
<tr>
<td></td>
<td>• There would be fewer area plans, with more targeted action plans. These could be delivered through the development order process, with one stage of consultation.</td>
<td>2++</td>
</tr>
<tr>
<td></td>
<td>A wide ranging review would be needed of development management processes to facilitate a ‘cultural change’. This would focus on improving effectiveness, simplifying the process, improving engagement and making it more proportionate. Some of the key measures are set out below. The number of planning applications will be significantly reduced by:</td>
<td>4+</td>
</tr>
<tr>
<td>Development management community, infrastructure levy/developer contributions, major infrastructure development</td>
<td>• Considerable relaxation of permitted development, introduced through:</td>
<td>5+</td>
</tr>
<tr>
<td></td>
<td>Note: Less opportunity to involve people (kp3)</td>
<td>7+</td>
</tr>
<tr>
<td>Category</td>
<td>Potential actions</td>
<td>Contribution to key principles</td>
</tr>
<tr>
<td>----------</td>
<td>------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td></td>
<td>a new (Permitted Development) Development Order</td>
<td></td>
</tr>
<tr>
<td></td>
<td>review of use classes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>greater use of geographic and site related development orders</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A wide ranging review is needed of the appeals system, focussing on decision making. Third party appeals would be removed or be limited to non-conforming or major development.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A more equitable sharing of costs and benefits of development will be established.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contributions (subject to viability) would be required towards nationally important infrastructure and other local physical, social and community infrastructure.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mechanisms would be introduced to better enable government pump priming of appropriate major infrastructure, with subsequent 'claw back' contributions from benefiting development</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Requirements for nationally important infrastructure would be set out in a National Infrastructure Strategy (see above).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any objection to an application for a national infrastructure development would only be able to be material, if it involves site specific matters, as the inclusion of the development in the NIS would be deemed to have established the need for that development.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The categories of different types of planning applications to be reviewed, to establish a strategy and process for dealing with different types of application. A 'major infrastructure or development' category would be introduced.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>For major infrastructure applications there would be a requirement for:</td>
<td></td>
</tr>
</tbody>
</table>
### Category

**Potential actions**

- compulsory pre application consultation with residents and stakeholders
- longer time periods for determination
- specific supporting information requirements
- appropriate environmental impact assessment

Development plans would include consideration of the costs and deliverability of infrastructure required for proposed development.

### Organisation and performance

- Improvements to departmental planning coordination through establishment of a standing joint planning and infrastructure committee.
- A new monitoring committee of Tynwald would be established. This would conduct regular reviews of the effectiveness of the planning system, consider emerging evidence trends which may trigger reviews of existing planning guidance.

<table>
<thead>
<tr>
<th>Contribution to key principles</th>
</tr>
</thead>
<tbody>
<tr>
<td>1++</td>
</tr>
<tr>
<td>2++</td>
</tr>
<tr>
<td>3+</td>
</tr>
</tbody>
</table>

### Stakeholder engagement, transparency and planning advice

- As Option A, and:
- There would be clear simplified consultation on all planning related documents. Clear procedures would be set out, with the emphasis on streamlining, with clear guidance on what would be subject to consultation, how to make representations and how they would be dealt with.

<table>
<thead>
<tr>
<th>Contribution to key principles</th>
</tr>
</thead>
<tbody>
<tr>
<td>2+</td>
</tr>
<tr>
<td>3++</td>
</tr>
<tr>
<td>6+</td>
</tr>
</tbody>
</table>

### C. Radical reform

12.21 Under this option, there would be a fundamental review of the planning system and the way it is delivered. We would recommend that an independent panel or commission be instructed to draw up a programme of reform. The
findings of the commission should be used to form the basis of the government's ultimate reforms.

12.22 It is likely that a radically reformed system would be considerably less recognisable compared to the current system. It would also have the opportunity to move away more from planning based on the standard 'British' model.

12.23 There are clearly many scenarios for presenting a radically reformed planning system and it would not be possible within the scope of this report to present all options. We have therefore, set out below, a series of possible reforms based on the broad experience of planning elsewhere in the world and how that experience may be used to reform a British-style planning system.

12.24 As with option B, the system under this option would be based on simplified national planning principles. Politicians would be responsible for strategic policy but responsibility for plan making and decisions on planning applications would be given to an independent planning board, which may have a separate section dealing with appeals. There could be a national spatial plan but formal local development plans would be replaced by a mix of zoning plans for existing development areas (static or minimum change areas) and 'action' or 'growth' plans, which would deal with areas of change. The zoning plans would set out permitted development and design principles for each area. There could be a new simple tiered planning approval system allowing for a greater degree of permitted development which meets national planning and design principles, with only major development being subject to full assessment.

Summary of potential reform actions

<table>
<thead>
<tr>
<th>Category</th>
<th>Potential actions</th>
<th>Contribution to key principles</th>
</tr>
</thead>
</table>
| The legislative framework, national planning policy and guidance | • Existing primary and secondary legislation would be replaced. New simplified primary and secondary legislation would be put in place, capturing the final agreed reforms. It would be written in plain and unambiguous language, and have a clear structure.  
  • A new simplified National Planning Framework would be adopted. This would set out planning policy principles, | 1++  
  2++  
  5++  
  7+        |
<table>
<thead>
<tr>
<th>Category</th>
<th>Potential actions</th>
<th>Contribution to key principles</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>which would guide development plans and planning decisions. This would also set out the strategic spatial strategy and would contain or be linked to a new National Infrastructure Strategy, which would set out the need for, and programming and funding of, nationally important infrastructure.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>These documents would be subject to consultation at the draft stage, and then approved by Tynwald.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reviews of these documents should include a statement of the changes that are required to any existing development plans and/or development orders which conflict with their intended aims.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Where necessary, urgent actions should be brought into effect through a new form of planning policy statement or development orders, possibly time limited. They would also be used to clarify policy as it is to be applied in development plans and the determination of planning applications. These should be subject to consultation at draft stage and then approved by Tynwald.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Accompanying this, there would be detailed technical guidance and clarifications as to how all aspects of the planning system should work.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A review would take place, looking at the role of planning and its linkages to other forms of regulatory control, to ensure that there is no duplication and that related and complementary processes work well together.</td>
<td></td>
</tr>
<tr>
<td>Strategic and local planning including at the most local level</td>
<td>Strategic Plan would be replaced by the new simplified National Planning Framework (see above).</td>
<td>1++</td>
</tr>
<tr>
<td></td>
<td>Development plans would be replaced by zoning plans for established areas.</td>
<td>2++</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4++</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5+</td>
</tr>
</tbody>
</table>
### Category: Development management community, infrastructure levy/developer contributions, major infrastructure development

<table>
<thead>
<tr>
<th>Potential actions</th>
<th>Contribution to key principles</th>
</tr>
</thead>
</table>
| These would set out permitted development, and design guidelines.  
• Action plans or growth plans would be prepared for priority areas for change.  
• A form of neighbourhood planning would be introduced to enable local communities to influence the planning of their area. They must adhere to all strategic and planning guidance.                                                  | 2++                           |
| A wide ranging review would be needed of development management processes to facilitate a significant 'cultural change', focussing on improving effectiveness, simplifying it, improving engagement and making it more proportionate. Some of the key measures are set out below.  
• A new tiered process of approval and appeals would be introduced where development allowed under the new National Planning Framework, zoning plans and design codes etc. would be allowed automatically without notification with only non-conforming and major developments requiring full planning approval.  
• An independent planning board would be responsible for approving all forms of 'development plans' and making decisions on planning applications.  
• Reforms of the developer contributions for major development and government advance funding of major infrastructure as per Option B.  
• A new system for dealing with major applications as per Option B.  
• Appeals would be limited to non-conforming or major developments.  
• Third party appeals would be removed or be limited to non-conforming or major development.                                                                                                                         | 3+ 5++ 7++ Note: Less opportunity to involve people (kp3) |

### Category: Organisation and performance

<table>
<thead>
<tr>
<th>Potential actions</th>
<th>Contribution to key principles</th>
</tr>
</thead>
<tbody>
<tr>
<td>The status of the planning service as a fundamental promoter of sustainable</td>
<td>1++ 2++</td>
</tr>
<tr>
<td>Category</td>
<td>Potential actions</td>
</tr>
<tr>
<td>----------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>growth and environmental protection will be well established.</td>
</tr>
<tr>
<td></td>
<td>• As a well-resourced service, the planning service would become more proactive.</td>
</tr>
<tr>
<td></td>
<td>• Development management would become more customer orientated providing additional guidance to applicants.</td>
</tr>
<tr>
<td></td>
<td>• Freed of dealing with many minor applications, development management to be more proactive and customer orientated, providing additional guidance to applicants and helping to facilitate high quality development.</td>
</tr>
<tr>
<td></td>
<td>• There would be a highly skilled core team of planning staff with resources to call on specialist consultants to improve service delivery as needed.</td>
</tr>
<tr>
<td></td>
<td>• As in Option B, a monitoring committee of Tynwald would be established to regularly review the effectiveness of the planning system.</td>
</tr>
<tr>
<td>Stakeholder engagement, transparency and planning advice</td>
<td>• As in option B, there would be clear simplified consultation on all planning related documents. Clear procedures would be set out, with the emphasis on streamlining, with clear guidance on what would be subject to consultation, how to make representations and how they will be dealt with.</td>
</tr>
<tr>
<td></td>
<td>• Different models of participation would be explored, such as standing focus groups.</td>
</tr>
<tr>
<td></td>
<td>• Consultations would be well resourced, with simplified informative documents and web based information. Specialist companies would be used to undertake consultation.</td>
</tr>
<tr>
<td></td>
<td>• Technology would be utilised to speed up consultation, recording and responding to representations</td>
</tr>
</tbody>
</table>
Other considerations

12.24 When considering potential reforms, it is important to bear in mind a number of important issues:

Legislative constraints

12.25 Can ‘urgent’ or desirable changes be introduced without changes to primary legislation, for example, changes to policy guidance, to enable government direction of development plans or simplified planning guidance?

12.26 If important or desirable changes cannot be introduced without changes to primary legislation, would it be better to include these in a more fundamental review?

Views of the community and stakeholders

12.27 It would be important to gauge the ‘appetite’ and need for change, by consulting with stakeholders, before deciding on which option for reform should be adopted.

Costs and benefits

12.28 As part of the process of developing options, and when drawing up a programme for the implementation of any reforms, it is important that the potential costs and benefits, in terms of financial resources, the environment, and the economy are considered.

12.29 A proactive, effective and responsive planning system cannot be achieved without adequate resources being made available. Policy guidance and development plans cannot be prepared quickly, nor effective participation be undertaken without adequate resources. The cost of a proactive, responsive system would need to be balanced against potential significant cost savings and wider economic, environmental and social benefits.
Part E: Our conclusion and recommendations

13. Conclusion

13.1 Our review of the Isle of Man planning system has revealed a system which is clearly based on the UK system but with unique elements reflecting the island’s independent governance. The system works, but in its current form is not capable of responding quickly to the island’s evolving economic and social needs.

13.2 The review has found that there are distinct areas where the island’s planning system differs from the UK models. These are either through design, such as the 3rd party appeal and independent planning committee, or through a lack of evolution of the system. The UK systems, whilst by no means perfect, have changed in recent years, responding to increased demands for facilitating economic growth, by streamlining plan making and by reforming their development management systems.

13.3 It is clear to us that the Isle of Man planning system does require change and reform. This is recognised by the politicians and officers we have spoken with.

13.4 The current planning system, as in the UK, is still based on principles established almost 70 years ago. Perhaps it is time to look afresh as to whether it is still the most suitable way to plan the future of the island.

13.5 With its independent government, the Isle of Man has the ability to adopt a completely new system, based on its own needs and reflecting its own culture, history and aspirations. With this flexibility, instead of following other systems it could become a role model for others. This is an exciting opportunity.

13.6 When considering the scale of reform, the government need to get the balance right. It needs to be mindful of how the resulting system will meet the requirements of the island and how it embeds what we hope will be its established ‘key principles’.

13.7 To deliver positive and lasting change, there needs to be a commitment, and will, to resource a reform programme which can deliver a modern proactive planning system. This system would be fit for purpose and ready to meet a
modern society's expectations and able to deliver the government's vision for sustainable growth.

14: Recommendations

14.1 Based on our findings and on the outcome of our engagement with officers and politicians who are some of, but not the only, key participants in the island's planning system, it is our view that there is a strong case for reform of the Isle of Man planning system, to better meet the island's economic, social and environmental needs, and to ensure that the system is 'fit for purpose' going into the future. The scope of any reform programme may result in either significant or a lesser degree of change. The government has a range of options. It is, however, clear to us that looking at too narrow a range of reform proposal would be an opportunity lost. It is our view that a wide ranging reform programme which could be substantive but able to be phased, along the lines of Option B set out in this report, has considerable merit. We would not, however, wish to discourage the government from looking at more radical change.

14.2 We therefore make the following recommendations:

1. That the government recognises that there is significant potential for wide ranging reform of the planning system.

2. That the government establishes a formal programme of reform, which should take account of the context of the strategy for the Isle of Man's future development, its uniqueness and the linkages to its overall legislative framework and other forms of regulatory control.

3. That the government identifies a range of short term measures that can be implemented, without change to primary legislation, pending any further significant reforms. These might be seen as 'quick hits'. This should include a focussed review of development management and policy development. This would be focussed on securing improvements in performance, limited expansion of permitted development, updates of application guidance, procedures and improvements to the web site.

4. That a wider consultation be undertaken with key stakeholders on the need and scope of potential reforms.

5. If radical reform is considered, that an independent panel of experts be formed to make detailed recommendations.
6. That adequate resources are committed to both devising and implementing reforms and in the long term operation of the planning service.
High level strategic review of planning in the Isle of Man

Appendices

May 2016
[Page left intentionally blank]
Appendix 1: Summary of Current Planning Systems
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current legislative framework</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>No consolidated Act</strong></td>
<td><strong>No consolidated Act</strong></td>
<td><strong>No consolidated Act</strong></td>
<td><strong>No consolidated Act</strong></td>
<td><strong>No consolidated Act</strong></td>
<td><strong>Planning Act (Northern Ireland) 2011</strong> came into force in 2015. Sets out the roles of the Department of Environment in respect of development of land and the operation of development plans, development management, listed buildings and conservation areas, appeals and enforcement.</td>
</tr>
<tr>
<td>The Town and Country Planning Act 1999 (“the 1999 Act”) is the primary legislation. This is an act to make new provision with respect to town and country planning, including the protection of buildings and areas of special architectural or historic interest and the control of advertisements; and for connected purposes.</td>
<td>The Town and Country Planning Act 1990 which consolidated previous town and country planning legislation sets out how development is regulated. The Planning and Compulsory Purchase Act 2004 which made changes to development control, compulsory purchase and application of the Planning Acts to Crown land. Also introduced new form of development Plan system. The Planning Act 2008 sets out the framework for the planning process for nationally significant infrastructure projects and provided for the community infrastructure levy. The Localism Act 2011 which provides the legal</td>
<td>The Town and Country Planning (Scotland) Act 1997 is the basis for the planning system and sets out the roles of the Scottish Ministers and local authorities with regard to development plans, development management and enforcement. This Act was substantially amended by the Planning etc. (Scotland) Act 2006. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is mainly concerned with the designation and protection of listed buildings and conservation areas. This Act was amended by the Historic Environment (Amendment) Scotland Act 2011 and the Historic Environment (Scotland) Act 2014.</td>
<td>Planning and Compulsory Purchase Act 2004; and Planning Act 2008; Planning (Wales) Act 2015. Introduced a new legal framework to prepare a national land use plan, to be known as the National Development Framework for Wales. The framework will set out national land use priorities and infrastructure requirements for Wales. A Working group currently considering potential for consolidated Act.</td>
<td>Planning and Building (Jersey) Law 2002 The principal law came into force on the 1 July 2006. Since its approval several Orders have been made under the law.</td>
<td></td>
</tr>
<tr>
<td>Jersey</td>
<td>Guernsey</td>
<td></td>
<td></td>
<td></td>
<td>The Land Planning and Development (Guernsey) Law 2005 (Consolidated) and has been consolidated in text form to take into account more recent secondary legislation up to 1st May 2016.</td>
</tr>
<tr>
<td>Isle of Man</td>
<td>England</td>
<td>Scotland</td>
<td>Wales</td>
<td>N Ireland</td>
<td>Jersey/Guernsey</td>
</tr>
<tr>
<td>-------------</td>
<td>---------</td>
<td>----------</td>
<td>-------</td>
<td>-----------</td>
<td>----------------</td>
</tr>
<tr>
<td>framework for the neighbourhood planning powers and the duty to cooperate with neighbouring authorities.</td>
<td>Secondary legislation is made under the authority of the primary legislation and includes such documents as the Isle of Man Strategic Plan, the Area Plans, Planning Policy Statements, Development Orders and Development Procedure Orders. These are statutory documents and are approved by Tynwald following the process set out in the 1999 Act.</td>
<td>Various subordinate legislation, including Orders and regulations provide detail on application and meaning of the acts, for example regulations describing Local Plan making process</td>
<td>Similar to England</td>
<td>Various subordinate legislation</td>
<td>Jersey</td>
</tr>
<tr>
<td>Planning applications are considered in processes set out in the 1999 Act or in Development Procedure Orders made under the 1999 Act.</td>
<td>Functional delegations in respect of planning decisions are made using Government Departments Act 1987 delegations.</td>
<td>Similar to England</td>
<td>Various subordinate legislation</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Jersey**

The law should be read in conjunction with the Orders listed:

- Planning and Building (Display of Advertisements) (Jersey) Order 2006
- Planning and Building (Moveable Structures) (Jersey) Order 2006
- Planning and Building (Environmental Impact) (Jersey) Order 2006
- Planning and Building (Public Enquiries) (Jersey) Order 2008
- Planning and Building (Application Publication) (Jersey) Order 2006
- Planning and Building (General Development) (Jersey) Order 2011
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Governance and Organisation</strong></td>
<td><strong>Governance and Organisation</strong></td>
<td><strong>Governance and Organisation</strong></td>
<td><strong>Governance and Organisation</strong></td>
<td><strong>Governance and Organisation</strong></td>
<td><strong>Governance and Organisation</strong></td>
</tr>
<tr>
<td>Government legislates and implements the planning system</td>
<td>Local Councils and National Parks Authorities are responsible for preparing Local Plans and determining planning applications. County Council’s and larger (unitary Authorities) responsible for waste and mineral planning matters.</td>
<td>Similar to England</td>
<td>Similar to England</td>
<td>Institutional arrangements are different in Northern Ireland compared to other parts of the UK. Ministers within departments have executive authority in their areas of responsibility; however, they must achieve broad agreement from the Northern Ireland Executive to ensure cohesion.</td>
<td>Jersey/Guernsey</td>
</tr>
<tr>
<td>Following recent reorganisation, the Cabinet Offices now responsible for preparing planning policy and development plans. Development management is located within the Department of Environment Food and Agriculture</td>
<td>Most Councils have both Forward Planning and development management teams under one single management. It is increasingly uncommon to find separate “planning departments” and Chief Planning Officers (as member of senior management teams) in English Local Government. In many Local Authorities the planning function has been merged with other “Regulatory” functions, and the role of chief planning officer downgraded.</td>
<td></td>
<td></td>
<td>On the 1st April 2015 a new two-tier planning system came into force under the Planning Act (Northern Ireland) 2011 (2011 Planning Act), introducing a sharing of planning responsibilities between Councils and the Department of Environment (the Department). Regional planning could be moved to a new Department of Infrastructure in 2016. Until such time, responsibilities will remain with the Department of</td>
<td>Jersey/Guernsey</td>
</tr>
<tr>
<td></td>
<td>Jersey/Guernsey</td>
<td>Single tier structures</td>
<td>Guernsey</td>
<td>1st May 2016 structure of government changed from 10 Departments to a committee system made up of the Policy &amp; Resources Committee plus 6 principal Committees.</td>
<td></td>
</tr>
<tr>
<td>Isle of Man</td>
<td>England</td>
<td>Scotland</td>
<td>Wales</td>
<td>N Ireland</td>
<td>Jersey/Guernsey</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>----------</td>
<td>-------</td>
<td>-----------</td>
<td>----------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**National planning policy and guidance**

There is no single document setting out national planning guidance. The 1999 Act provides for the preparation of Planning Policy Statements (PPS), which are approved by Tynwald. At present there is one PPS in operation: Conservation of the Historic Environment of the Isle of Man (PPS 1/01).

There are also a number of other PPSs which are in draft form and these:

- Simplified Policy Guidance set out in National planning Policy Framework with accompanying “live” online Guidance (National Planning Practice Guidance). Also:
- Planning policy for traveller sites, updated August 2015; Technical Guidance to the National Planning Policy Framework, March 2012, provides additional guidance to local authorities on development in areas at risk of flooding and in relation to mineral extraction; and
- The Scottish Government sets out the purpose of the Scottish planning system and its specific land use policies in the Scottish Planning Policy. Spatial aspects of Scottish Government policies are set out in the National Planning Framework for Scotland 3. (Both updated in June 2014)
- More detailed subject specific advice and guidance is set out in a series of Planning Advice Notes, Planning Circulars, Guides and Letters from the Chief
- The context for planning policy in Wales is currently contained within two main documents, Planning Policy Wales, which provides guidance on the preparation and content of development plans and advice on development control decisions and appeals; and Minerals Planning Policy Wales, which gives guidance for the extraction of all minerals and other substances in, on or under land.
- Under the Programme for Government (PIG), the Northern Ireland Executive maps out goals for Northern Ireland in terms of planning and development with reference to sustainable development. This is carried forward by the departments that have responsibility for developing policy and legislation.
- Generally the development of planning policy and guidance in Northern Ireland is the responsibility of the Department and operates on a single regional (i.e.: Jersey)

**1. Policy Notes:** these build on the provisions of the 2002 Law 2002 and the policies in the Island Plan 2002. They do not replace the law and do not have the same status as the policies in the Island Plan, which remains the first consideration when making decisions on development proposals. They will, however, be a material consideration in the determination of planning applications and
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td>can be downloaded from the Planning Policy Statement webpage.</td>
<td>National Planning Policy for Waste, October 2014.</td>
<td>Planner.</td>
<td>set out national spatial planning policies. This is currently under preparation.</td>
<td>Northern Ireland) basis.</td>
<td>can be given substantial weight.</td>
</tr>
<tr>
<td>Section 3 (4) of the 1999 Act states ‘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.’</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A range of other planning policy documents exist in the form of Interim Planning Guidance, Development Briefs and Planning Circulars.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The non-statutory Central Douglas Masterplan was prepared and approved in Tynwald to facilitate long term development in the area. It provides a general framework/strategy for the development of central Douglas but it is not a statutory document. It is to be taken into account as a material consideration when</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Advice Notes: provide detailed advice about the ways in which the provisions of the law and Island Plan policies are likely to be interpreted and applied by the Minister.

3. Practice Notes: aim to provide information about how the planning system’s protocols and procedures operate.

**Guernsey**
Draft SPGs have been produced to support the draft Island Development Plan and will not form material planning considerations for planning applications until the Island Development Plan has been adopted.

- Draft SPG for Community Plans [355kb]
- Draft SPG for Parking [328kb]
- Draft SPG for Visitor Accommodation
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td>applications are being determined. It will also inform the Area Plan for the East.</td>
<td></td>
<td></td>
<td></td>
<td>Development Plans (LDPs). It will also be material to individual planning decisions and appeals.</td>
<td></td>
</tr>
<tr>
<td>The development of a Ronaldsway Master Plan is also underway.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Strategic planning</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>There is a statutory obligation to prepare an Island Development Plan under Part 1 Section 2 of the 1999 Act. The procedure for doing this is set out in Schedule 1 of the 1999 Act. This is referred to as 'the development plan'. The development plan consists of a Strategic Plan and one or more Local and Area Plans.</td>
<td>No formal <strong>Strategic Planning at regional level</strong>. Former regional spatial plan’s replaced by complicated Duty to Cooperate Economic development undertaken by ad hoc Local Enterprise Partnerships involving private and public organisations</td>
<td>Strategic Development Plans (SDPs) set out a vision for the long term development of Scotland’s four main city regions (these are regions centred on Aberdeen, Dundee, Edinburgh and Glasgow), focusing on issues such as land for housing, major business and retail developments, infrastructure provision and green belts/networks. SDPs are drafted by Strategic Development Planning Authorities (SDPAs) Each SDP must be accompanied by an action programme, which must be updated at least once every two years.</td>
<td>There is no statutory regional planning in Wales at present. However, the Planning (Wales) Act 2015 includes powers for the Welsh Government to identify Strategic Planning Areas (SPAs) that are larger than individual Local Planning Authorities and for Strategic Planning Panels to be established for these areas. A panel, if established for an area, will then produce a Strategic Development Plan (SDP).</td>
<td>Regional Strategic Planning and development policy is the responsibility of the Department of Regional Development (DRD) in the form of the Regional Development Strategy 2035 (RDS). The RDS, produced by the DRD, offers a strategic and long-term perspective on the future development of Northern Ireland up to 2035. Its purpose is to deliver the spatial aspects of the PI G and is therefore a framework for regional planning across Northern Ireland. The 2011 Planning Act requires the Department to ensure that any policy</td>
<td></td>
</tr>
<tr>
<td>The Isle of Man Strategic Plan 2016 covers the whole of the Island and provides a comprehensive planning framework setting out a broad long term vision for development. It sets out the general policies for the development of and use of land across the</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Jersey Island Plan 2011 reviewed and approved in 2014.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Guernsey</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The current Development Plans (Urban and Rural Area Plans) in force until 31st December 2016 but being reviewed and replaced by single “Island Plan”</td>
<td></td>
</tr>
<tr>
<td>Isle of Man</td>
<td>England</td>
<td>Scotland</td>
<td>Wales</td>
<td>N Ireland</td>
<td>Jersey/Guernsey</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>----------</td>
<td>-------</td>
<td>-----------</td>
<td>----------------</td>
</tr>
<tr>
<td>Island.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>it produces is “in general conformity” with the RDS</td>
</tr>
</tbody>
</table>

**Local development plans**

A series of site specific proposals are currently set out in a mix of Local and Area Plans.

Many of the Local Plans date back to the 1990's and work is underway to replace them with 4 Area Plans.

However, only the Area Plan for the South has been adopted by the Department of Infrastructure and was approved by Tynwald on 20 February 2013.

Until the Area Plans achieve full coverage of the Island, the existing approved Local Plans and the remaining parts of the 1982 Order, (which have effect as an Area Plan) shall remain in force.

Links to all of the local plans can be found on the Local Plans webpage

---

**Development Plan comprising Local Plan, and Neighbourhood Plans, and waste and Minerals Local plan.**

Local Plans are prepared by Local planning Authorities, including Council’s and National Park Authorities.

They should set out the strategic priorities for the area and be drawn up over an “appropriate” time scale, normally a 15 year horizon.

The Local Plan should be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.

Local Plans can be reviewed in whole or in part to respond flexibly to

---

**Local Development Plans (LDPs)** cover the whole of Scotland and identify sites for new developments and set out policies that guide decision making on planning applications. Each Planning Authority is required to publish and then update Local Development Plan(s) covering their area at least once every five years.

Each LDP is required to produce a Local Development Plan (LDP). The LDP sets out proposals and policies for the future use of all local land, and along with the NDF and the SDP, is the formal “development plan” in Wales. The LDP covers a period of ten to fifteen years and should reflect national planning policy in Wales and should also have regard to the NDF when it has been produced and also the SDP.

Each SDPA is under a statutory duty to publish and then update its SDP at least once every five years.

Each LDP must be accompanied by an action programme that must be updated at least once every two years.

The new system defines development plans as LDPs and these must be based on consultation with the local community.

LDPs should provide a 15 year framework on how the Council area should look in the future by deciding what type and scale of development should be encouraged and where it should be located. During its preparation the Council must take into account the newly developed SPPS and also deliver the spatial elements of a

---

**The Planning (Northern Ireland) Act 2011** established a new system of local development planning in Northern Ireland. Under the new system local Councils are responsible for the development of Local Development Plans (LDPs).

The new system defines development plans as LDPs and these must be based on consultation with the local community.

---

**Jersey**

Single island plan and a series of site specific masterplans and frameworks.

**Guernsey**

Move towards a single plan with accompanying development briefs and local planning briefs
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td>changing circumstances, but if this happens, must be open again to public consultation and examination if a material change is to be made.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Council’s community plan.</td>
</tr>
<tr>
<td>Supplementary Planning Documents can be used to develop detail of Local plan policies</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste and Mineral Local plans are prepared by Unitary and County Councils</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Planning Authorities are required to publish and update</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Development Schemes setting out programme for preparing Local Plan.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Planning at the neighbourhood level</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>There is no equivalent to Neighbourhood / Community Plans in Isle of Man planning legislation.</td>
<td>Neighbourhood Development Plans – prepared by local communities. Plans are examined to ensure they meet “Basic Conditions”. To come into force they must be supported by at least 50% of the local electorate in a</td>
<td>Neighbourhood and community plans are not a formal feature of the Scottish planning system. However a Community Planning system is in place, with the aim of bringing together public bodies and local communities</td>
<td>There is no equivalent right in Wales to the power introduced by the Localism Act 2011 for communities in England to produce Neighbourhood Development Plans. However the Welsh Government is piloting</td>
<td>The Local Government (Northern Ireland) Act 2014 places a statutory duty on Councils to produce and implement community planning through the production of a Community Plan for their area. The Community Plan is based</td>
<td>There is no equivalent to Neighbourhood / Community Plans</td>
</tr>
<tr>
<td>Isle of Man</td>
<td>England</td>
<td>Scotland</td>
<td>Wales</td>
<td>N Ireland</td>
<td>Jersey/Guernsey</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>----------</td>
<td>-------</td>
<td>-----------</td>
<td>----------------</td>
</tr>
<tr>
<td>introduce a bill which if passed might introduce such a regime.</td>
<td>Referendum. Neighbourhood Development Order gives communities planning permission for development that complies with the order. It removes the need for a formal planning application to be submitted to the Local Planning Authority. A Community Right to Build Order is a type of Neighbourhood Development Order. It is an order that gives permission for small-scale, site-specific developments by a community group, without the need for planning permission.</td>
<td>to improve service delivery.</td>
<td>the production of Place Plans. Place Plans will involve Community and Town Councils working with their Local Planning Authority to identify and take forward Supplementary Planning Guidance for their communities, translating and developing policies and allocations in LDPs for local implementation. These plans however won’t be a part of the formal ‘development plan’.</td>
<td>on engagement with the community and provides the framework within which Councils, departments, statutory partners and other relevant organisations must work together to develop and implement a shared vision. This is a long term vision for promoting the economic, social and environmental well-being of their area through the delivery of better services.</td>
<td></td>
</tr>
</tbody>
</table>

The 2014 Act provides for the production of a list of statutory partners that must participate in and support community planning. Unique to Northern Ireland is the creation of a statutory link between the Community Plan and the development of LDPs under Section 77 of the Local Government Act 2014.

The 2014 Act provides for the production of a list of statutory partners that must participate in and support community planning. Unique to Northern Ireland is the creation of a statutory link between the Community Plan and the development of LDPs under Section 77 of the Local Government Act 2014.

Development management (including sub-sections on:)

Permitted development

<table>
<thead>
<tr>
<th>The extents of permitted development are set</th>
<th>Permitted Development set out in General</th>
<th>A similar regime operates in Scotland.</th>
<th>Similar to England. The types of</th>
<th>Under the 2011 Planning Act, a similar system</th>
<th>Jersey Current review of 2011</th>
</tr>
</thead>
</table>
Isle of Man | England | Scotland | Wales | N Ireland | Jersey/Guernsey
---|---|---|---|---|---
down in the various Permitted Development Orders, several of which have been issued in recent years

All the criteria set out in the various Permitted Development Orders must be met before commencing any works. Failure to comply in all aspects will result in a breach of planning control and enforcement action may be initiated.

The Department has provided guidance on the Government website to assist applicants in determining the levels of permitted development. There is also an interactive house to assist users.

|  | Development Orders (latest 2015). General move in recent years to relax control in this way in particular house extensions. For Listed buildings and in "designated areas" e.g. conservation areas, a National Park, an Area of Outstanding Natural Beauty (AONB), PD rights are more restricted. | Certain categories of development, as set out in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, are automatically deemed to have planning permission. The categories of development that enjoy PD rights were recently amended under the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2014. This created new permitted development rights for small extensions or alterations to shops, schools, colleges, universities and hospital and office buildings. | development defined as permitted in Wales are set out in the Town and Country Planning (General Permitted Development) Order 1995 (the 1995 Order). The 1995 Order originally applied to both England and Wales but has now been revoked by the consolidated 2015 Order in England. Many parts of Schedule 2 in the 1995 and 2015 Orders are the same for both England and Wales, but there are an increasing number of differences. | operates as in England with the Planning (General permitted Development) Order (Northern Ireland) 2015. Subject to exemptions and limitations, this grants planning permission for certain types of permitted development listed in Schedule 1 e.g. alteration/extension/maintenance to a dwelling house, installation of domestic micro-generation equipment such as solar panels and the building, erection and alteration of certain agricultural buildings. The 2015 Order gives Councils the power to remove or limit PD rights in protected or sensitive environments such as conservation areas or AONBs, for mineral exploration and for development where an Environmental Impact Assessment is required | PD taking place (2016) to add more categories and speed up/simplify the process

Guernsey PD has been revised, guidance is provided.
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Other forms of planning regulation relaxation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government may determine that there is a need to release land for development ahead of the preparation of an Area Plan. In order to do this a Development Order can be prepared - <strong>Current Development Orders</strong>.</td>
<td><strong>Local Development Order</strong>: LPAs can adopt LDOs which grant permission to certain types of development within specified areas.</td>
<td>Development Orders may be made by Secretary of State applying either across Scotland or defined areas. There is no equivalent to Neighbourhood Development Orders/Community Right to Build Orders in Scotland.</td>
<td>Local Development Order-as per England. There is no equivalent to Neighbourhood Development Orders/Community Right to Build Orders in Wales.</td>
<td>The 2001 Act allows the department to make Development Orders which can grant permission for development either across NI or in defined areas.</td>
<td><strong>Guernsey</strong> 4 ‘Local Planning Briefs’ are now in place, used where there are strategic land use implications and a number of policy issues that need to be resolved.</td>
</tr>
<tr>
<td></td>
<td><strong>Neighbourhood Development Order</strong>: As per LDOs but promoted by Parish or neighbourhood forum.</td>
<td></td>
<td></td>
<td></td>
<td>Relate to strategic sites, often in multiple ownership and likely to accommodate large scale developments.</td>
</tr>
<tr>
<td></td>
<td><strong>Community Right to Build Order</strong> is a type of Neighbourhood Development Order and can be used to grant outline or full planning permission for specific development which complies with the order. For example: homes, shops, businesses, affordable housing for rent or sale, community facilities or playgrounds.</td>
<td></td>
<td></td>
<td></td>
<td>Briefs are subject to consultations with States Committees, landowners, other relevant organisations and the public. Often subjected to a public Planning Inquiry before being submitted to the States of Deliberation for approval and once adopted, the Brief actually becomes a formal amendment to the approved Development Plan.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Use classes</strong></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning legislation controls the use of land</td>
<td>The Town and Country Planning (Use Classes)</td>
<td>The Town and Country Planning (Use Classes)</td>
<td>The 1987 Order (see England), also applies in A similar system of use classes is provided by the</td>
<td>Jersey Reviewed in 2011 but</td>
<td></td>
</tr>
<tr>
<td>Isle of Man</td>
<td>England</td>
<td>Scotland</td>
<td>Wales</td>
<td>N Ireland</td>
<td>Jersey/Guernsey</td>
</tr>
<tr>
<td>-------------</td>
<td>---------</td>
<td>----------</td>
<td>-------</td>
<td>-----------</td>
<td>----------------</td>
</tr>
<tr>
<td>and buildings as well as its appearance. The <em>Town and Country Planning (Permitted Development) Order 2012</em> puts uses of land and buildings into various categories known as &quot;Use Classes&quot;. There are currently 8 use classes defined within the Order. The drafting of a revised Use Classes and Permitted Development Orders is currently being progressed.</td>
<td>Order 1987 (1987 Order) puts uses of land and buildings into various categories known as &quot;Use Classes&quot;. The categories give an indication of the types of use which may fall within each use class. There are four main Groups: • Classes in Group A cover shops and other retail premises such as restaurants and bank branches; • Classes in Group B cover offices, workshops, factories and warehouses; • Classes in Group C cover residential uses; and • Classes in Group D cover non-residential institutions and assembly and leisure uses. A further category, called ‘sui generis’ (‘unique’) exists to cover other uses, including betting office and payday loan shops. Planning permission is not normally required for changes of use within use class.</td>
<td>(Scotland) Order 1997 sets out 11 broad &quot;uses classes&quot;. Planning permission is not normally required for a development that involves a change that is covered by a single use class.</td>
<td>Wales. However, the Welsh Ministers can make their own modifications to the order and so there are differences. Some changes have been introduced to the 1987 Order in England that have not to date been introduced in Wales.</td>
<td>Planning (Use Classes) Order (Northern Ireland) 2015. In general planning is not required for a change of use within the same use class, but a change between use classes does normally (with some exceptions) require planning permission.</td>
<td></td>
</tr>
<tr>
<td>Order 2012 puts uses of land and buildings into various categories known as &quot;Use Classes&quot;. The categories give an indication of the types of use which may fall within each use class.</td>
<td></td>
<td></td>
<td>The Welsh Government announced in 2013 that it will carry out a review of the Use Classes Order. It will consider the permitted changes between use classes and how the retail classes are sub-divided, issues surrounding residential uses such as conversion of other uses to housing and the use of agricultural buildings.</td>
<td></td>
<td>2007 use classes reviewed in 2015/16 and will be incorporated in the consolidated secondary legislation. Review aimed at: reducing the number of use classes to create more flexibility in the operation of the Ordinance and add further permitted changes between classes where appropriate, and add new use classes where relevant to reflect changed circumstances and the development of new policy approaches.</td>
</tr>
</tbody>
</table>

A1:13 | High level strategic review of planning in the Isle of Man
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td>the same classes and for certain changes of use between some of the classes.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Planning conditions**

A Planning application will either be approved with appropriate conditions if necessary, or refused. In either circumstance reasons for the decision will be given and based on relevant planning issues and policy.

Planning conditions are usually recommended by the planning officer who assesses the application. The decision on whether or not to approve an application will either be made by a planning officer in accordance with the delegation scheme, by the Planning Committee or, if it is a Departmental Planning application, by the Council of Ministers.

Planning conditions should only be imposed where they meet “six tests” as follows:
- necessary;
- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

Conditions should only be imposed where they are:
- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable

Condition tests as per England

Condition tests as per England

The power for the Department or Council to impose conditions on a planning permission is provided under Part 3 of the 2011 Planning Act. Conditions may be applied to enhance the quality of the development and enable development to proceed where it otherwise would have been refused. For example, they may be used to introduce time limits, restrict use or permitted rights and impose after care conditions.

Jersey

Applications either approved with appropriate conditions if necessary, or refused. In either circumstance reasons for the decision will be given and based on relevant planning issues and policy.

Guernsey

As Jersey above

**Advertisement consent**

A Council may issue a “breach of condition notice” where conditions attached to a grant of planning permission have not been complied with.
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
</table>
| Applications for adverts follow a similar process to planning applications and are determined in the same way as planning applications. | The rules are set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Separate planning permission is not required in addition to advertisement consent. There are three categories of advertisement consent: • Those permitted without requiring either deemed or express consent from the Local Planning Authority; • Those which have deemed consent; • Those which require the express consent of the Local Planning Authority. It is a criminal offence to display an advertisement without consent, including the consent of the landowner of the site. | The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, as amended, regulate the display of most outdoor advertisements in Scotland. These Regulations split adverts into three classes: • Exected: adverts which are not subject to control, e.g. adverts within buildings, displayed on vehicles or balloons. • Deemed consent: adverts that are automatically deemed to have consent. This class includes statutory notices, direction and warning signs, certain temporary signs, adverts on business premises. There are a number of other conditions regarding placement on a building, duration and height of display also set out in the Regulations if an | The Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended) regulate outdoor advertisements in Wales. These regulations enable Local Planning Authorities to control outdoor advertisements in the name of amenity and public safety. Some types of advertisement are exempted (generally those smaller than 0.3 square metres) and some advertisements qualify for deemed consent. Others require express consent from the Local Planning Authority. | The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, issued under the 2011 Act, include provisions to allow Councils to restrict and regulate the display of advertisements in the interest of amenity and public safety. A consent to display must be applied for to the Council, however there are a number of exemptions to this control listed in Schedule 2 of the Regulations (e.g. advertisements on enclosed land). Certain cases may be classed as “deemed consent” under Schedule 3 (e.g. advertisements by departments or Councils). | The Planning and Building (Display of Advertisements) (Jersey) Order 2006 on Jersey Legal Information Board website
Applications for adverts follow a similar process to planning applications and are determined in the same way as planning applications. |
<p>| Jersey | Guernsey | As Isle of Man – advice note updated in 2012. |</p>
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td>advert is to qualify for deemed consent.</td>
<td>Express consent: Adverts that do not fall within the above classes, which require the explicit grant of consent from the Planning Authority before they can be displayed.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Appeals/planning inspectorate

Unlike UK jurisdictions, the Isle of Man has a third party right of appeal against planning approvals or refusals by parties whom have been afforded interested party status. The policy for assigning party status is set down in Government Circular 46/13.

Only the applicant or those with interested party status may appeal against a decision made.

An appeal must be in writing to the Department, signed by the Appellant, and submitted within 21 days.

Appeals against refusal of planning permission, conditions and non determination of planning applications

Appeals considered by a single inspector by independent Planning Inspectorate

No third party right of appeal on planning applications

Adoption of Local Plans and planning application appeal decisions can only be challenged through legal proceedings, judicial review.

There are two planning appeal/review systems in operation in Scotland, these are:

- **Local Review Body:** Every Planning Authority is required to produce a “scheme of delegation” which sets out a list of local developments that can be determined by an appointed person, normally a planning officer, rather than Councillors at a committee. If a planning decision was taken by a

As per England

Appeals on decisions may be made by or on behalf of the applicant to the Planning Appeals Commission (PAC). There is no ‘third party’ right of appeal against a planning decision. However, when an application is appealed, objectors or anyone with an interest in the proposal may make a response to the PAC.

The Planning Appeals Commission (PAC) is an independent appeals body which operates under the 2011 Planning Act. Its operation falls into

Jersey

An appeal against a planning decision requires an application to the Royal Court. The court does not rule on whether the planning decision was right or wrong, only whether the Minister for Planning and Environment has acted unreasonably in reaching that decision.

System consulted upon in 2013 for review to make it more accessible.

Guernsey

The Planning Panel set
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td>days of the date of the Notice. A fee is payable to submit a Planning Appeal. Appeals can be determined based upon written statements or at a public hearing which applicants and interested parties can attend. Unlike some UK jurisdictions planning inspectors do not determine planning appeals. All Planning Appeal decisions are made by the Minister of the Department responsible for Planning after the independent planning inspector report with recommendations has been reviewed. planning officer under a scheme of delegation then any appeal will be made to the Council’s Local Review Body and not Scottish Ministers. A local review body is made up of at least three elected members who were not involved in the original decision. • Scottish Ministers: If a planning decision was taken by Councillors then any appeal against that decision will be made to Scottish Ministers. Planning appeals made to Scottish Ministers are considered by a Reporter appointed by the Directorate for Planning and Environmental Appeals (DPEA). In most instances the appeal decision is made by the Reporter on behalf of the Scottish Ministers. However, in a small number of cases the following two categories: Decisions on Appeals – the commission makes decisions on all appeals against Departmental and Council decisions on a wide range of planning and environmental matters. However, this does not apply to any application called-in by the Department. Hearing and Reporting on Public Inquiries/Hearings – the commission makes recommendations on a wide range of cases referred to it by the Department. The final decision on these matters is taken by the relevant Department. Decisions are transferred out from political decision, unlike elsewhere in the UK where the appeal bodies make decisions in the name of the relevant Ministers. In Northern Ireland the PAC must reach its decision on the basis of the reports made by the Commissioners. up in 2009 under the Land Planning and Development (Guernsey) Law, 2005 as an independent statutory body to determine appeals against planning decisions made by the Development &amp; Planning Authority.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Isle of Man</td>
<td>England</td>
<td>Scotland</td>
<td>Wales</td>
<td>N Ireland</td>
<td>Jersey/Guernsey</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>----------</td>
<td>-------</td>
<td>-----------</td>
<td>----------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>cases the Reporter does not issue the decision, but submits a report with a recommendation to the Scottish Ministers, who make the final decision. Most appeals are decided by means of written submissions. Scottish Ministers also appoint DPEA Reporters to hold Development Plan examinations into objections to development plans.</td>
<td></td>
<td></td>
<td>Commission decisions are final however they are open to challenge by application to the High Court for judicial review.</td>
</tr>
</tbody>
</table>

**Enforcement**

Whilst there is provision for prosecuting for ‘development’ without planning approval, the main purpose of planning enforcement is seen as resolving the breach using a policy which can be summed up as ‘meet, talk, explain and persuade’. It is the cessation of the breach that is important, and an amicable solution is the best solution.

<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Carrying out development without planning consent or breaching a condition of a planning consent is generally not a criminal offence (unless in relation to making changes to listed buildings and advertisements that operate under separate regimes). Failure to comply with an enforcement notice</td>
<td>Broadly similar to England. Enforcement action is carried out at the discretion of the Planning Authority, which will generally only act if it is in the public interest.</td>
<td>Similar to England</td>
<td>Under the 2011 Planning Act, one of the functions transferring to local Councils is planning enforcement; however, the Department has powers to take enforcement measures where it believes a Council failed to take action. Similar to other UK jurisdictions, the power to take enforcement action</td>
</tr>
</tbody>
</table>

**Jersey**

System reviewed in 2014 and a number of changes being made. System operates in a similar way to the Isle of Man.

**Guernsey**

Statement of planning enforcement policy Adopted 24 February 2015. Enforcement regulated by the Land Planning and Development (Guernsey)
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td>In almost all cases, the submission of a retrospective application seeking to regularise the breach is allowed. Only after the planning process has been exhausted will formal enforcement procedures, by the serving of an Enforcement Notice or the initiation of Legal Proceedings, usually considered.</td>
<td>however, is a criminal offence. An enforcement notice is a notice requiring compliance with planning consent. Enforcement action is discretionary and Local Planning Authorities are directed to act proportionally in responding to suspected breaches of planning control. Time Limits apply</td>
<td></td>
<td></td>
<td></td>
<td>Law, 2005 (‘The Law’), and the Land Planning and Development (Enforcement) Ordinance, 2007 (‘The Enforcement Ordinance’).</td>
</tr>
</tbody>
</table>

**Planning obligations /community infrastructure levy/developer contributions**

| There is no equivalent to the Community Infrastructure Levy in the Isle of Man, which is a general levy on all development. However in certain | Community Infrastructure Levy is a levy that local authorities in England and Wales can choose to charge on new developments in their area. It is charge on new buildings and | Developer Contributions are similar to England Developer contributions in Scotland are normally secured under | As per England | Developer contributions can be secured as a condition to planning permission or by a planning agreement under section 76 of the 2011 Planning Act. This enables the Department | Obligations exist under Article 25 of the Planning and Building (Jersey) Law 2002. Revised supplementary planning guidance to support a more robust use of |
Isle of Man | England | Scotland | Wales | N Ireland | Jersey/Guernsey
--- | --- | --- | --- | --- | ---
Circumstances Section 13 Agreements are the equivalent of Section 106 Agreements in England. Section 13 in the 1999 Act includes a power for the Department to enter into an agreement to regulate the development of land and this may include ‘provisions of a financial character’.

Legal agreements under Section 13 of the Town and Country Planning Act 1999 have been required for securing an obligation for the provision of:
- Affordable housing
- Public open space: or
- An obligation based upon and unusual to the merits of the application as presented.

<table>
<thead>
<tr>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
</table>
| Extensions to help pay for supporting infrastructure. In areas where a CIL is in force, land owners and developers must pay the levy to the local authority. The money raised from the levy can be used to support development by funding infrastructure. The charge is set by the Local Planning Authority following Examination by an independent inspector. Section 106 agreements, sometimes known as “planning obligations” or “planning gain” stem from agreements made under section 106 of the Town and Country Planning Act 1990, as amended. They are agreements negotiated between the developer and the Local Planning Authority to meet concerns that an authority may have about meeting the cost of providing new infrastructure. Section 106 agreements are legally binding, and the “Section 75 agreements” which are a contract between the Planning Authority and the landowner (and possibly future landowners, depending on the terms of the agreement) which requires the landowner to restrict or regulate the use of their proposed development or mitigate against any potential negative impacts of that development through means set out in the agreement.
<p>| This can include making a payment to the Planning Authority towards the development of associated infrastructure, e.g. expanding a school or improving a road. The issues covered by a section 75 agreement are normally matters that cannot be enforced through a condition. |
| or Council (whichever is the relevant Planning Authority) to enter into Planning Agreements for the purpose of facilitating, regulating or restricting the development or use of the land. This may include the setup of contributions to be paid by the developer to the relevant authority, or any Northern Ireland department, to offset the impact of the proposed development, in conjunction with granting planning permission. According to the Spatial Planning Policy Statement (SPPS) developer contributions can be used: where a proposed development requires the provision or improvement of infrastructural works over and above those programmed in a LDP; where earlier than planned implementation of a programmed scheme is required; where a proposed development is planning obligation agreements is being prepared. |
| Guernsey |
| No equivalent to the Community Infrastructure Levy which is a general levy on all development. |</p>
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td>obligations may be either in cash or kind, to undertake works, provide affordable housing or provide additional funding for services.</td>
<td>attached to planning permission.</td>
<td>Planning obligations to support new development must help meet the objectives of the Local Plans and Neighbourhood Development Plans for a particular area. Three legal tests must be met before a planning obligation can be used. They are set out in part 11 of the Community Infrastructure Levy Regulations 2010, as follows: - necessary to make the development acceptable in planning terms; - directly related to the development; and - fairly and reasonably related in scale and kind to the development. NPPF and community</td>
<td>dependent upon the carrying out of works outside the site; and where archaeological investigation or mitigation is required. Planning agreements under the new system could support the delivery of developer contributions for social/affordable housing. Another mechanism is Article 122 of the Roads (Northern Ireland) Order 1993 in terms of infrastructure works. Developers may decide to offer community benefits to communities likely to be affected by their development. This may involve payments to the community, in-kind benefits and shared ownership arrangements. However, community benefits are voluntary and are not legislated for in the same way as</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Isle of Man</td>
<td>England</td>
<td>Scotland</td>
<td>Wales</td>
<td>N Ireland</td>
<td>Jersey/Guernsey</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>----------</td>
<td>-------</td>
<td>-----------</td>
<td>----------------</td>
</tr>
<tr>
<td>benefits</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Major Applications**

There is no separate planning application process for major applications, for example pre application consultation.

Major applications are defined above certain thresholds and for which separate evidence, formal pre application consultation and timescales apply

Similar to England and Wales

Based on the size of the islands and the number of applications received there is no separate planning application process for major applications.

**Major infrastructure**

The Planning Act 2008 introduced a new development consent process for Nationally Significant Infrastructure

All proposed developments in Scotland fall within one of the three categories of a statutory hierarchy

In Wales the development consent process for NSIPs established by the Localism Act 2011 only

Under the 2011 Planning Act, regionally significant development is any major project deemed to be of regional significance by

Jersey

There is no specific legislation or policy which refers to ‘Nationally Significant Infrastructure Projects’.
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td>However Section 11 of the 1999 Act states:</td>
<td>Projects (NSIPs). NSIPs are usually large scale developments (relating to energy, transport, water, waste water or waste) which require a type of consent known as “development consent”. An extension of the regime in 2013 now allows certain business and commercial projects to also opt into this process.</td>
<td>of developments, which can be described as follows:</td>
<td>applies to types of development where responsibility had previously been reserved by the UK Government. These are energy projects of over 50 Megawatts onshore/over 100 Megawatts offshore, major electricity lines, cross country pipelines, underground gas storage and some types of harbour development.</td>
<td>the Department. Proposals will also be subject to pre-application community consultation and will be determined by the Department.</td>
<td></td>
</tr>
<tr>
<td>(1) If it appears to the Council of Ministers that an application made to the Department for planning approval —</td>
<td></td>
<td>• National developments: Developments designated as of national significance in the National Planning Framework for Scotland</td>
<td></td>
<td>The Department may ask the Planning Appeals Commission to hold a public local inquiry into any application of regional significance. When determining the planning application, the Department must take any report produced from the inquiry into account. However, the Department takes the final decision.</td>
<td></td>
</tr>
<tr>
<td>a) raises considerations of general importance to the Island, or</td>
<td></td>
<td>• Major developments: Nine classes of large scale development are defined as major developments in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) for some other reason ought not to be determined by the Department, the Council of Ministers may direct that the application shall be referred to and determined by it.</td>
<td></td>
<td>• Local Developments: Any development which is not a national or major development is automatically categorised as a local development.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Large scale developments in the Isle of Man prompt extensive media coverage and parliamentary debates on such schemes are common.</td>
<td></td>
<td>National developments are designated in the National Planning Framework for Scotland 3, which was considered by the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>However rarely do such schemes fall within the remit of Section 11(1) of the Town and Country Planning Act 2011, responsibility for decisions on these projects now rests with the relevant Secretary of State in that field. The National Infrastructure Directorate of the Planning Inspectorate will make recommendations to help inform the Secretary of State’s decision. The decisions on these projects should be made in line with the relevant National Policy Statements (NPS) approved by the UK Parliament.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| | |  | | "development consent". An extension of the regime in 2013 now allows certain business and commercial projects to also opt into this process. | | Projects’.

Guernsey:

four Island Resource Plans: Island Infrastructure; Energy; Population Management and Strategic Land Use

These describe the way in which the States propose to manage or influence the use of Island Resources to support the government’s Aims and Objectives. In each case, this involves considering how resources can best be used to support the Fiscal & Economic, Social and Environmental Policy Plans and the States Department Policy Plans.
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Act 1999</td>
<td>Any developer wishing to construct a NSIP must first apply to the National Infrastructure Directorate for consent to do so. The process is timetabled to take approximately 12-15 months from the time that the application is officially accepted. The 2008 Act sets out thresholds above which certain types of infrastructure development are considered to be nationally significant and require development consent. Minor associated development is also usually dealt with through the same decision making process.</td>
<td>Scottish Parliament to establish the necessity of these developments. Any objection to an application for a national development can only be made on an issue of detail, as its inclusion in the National Planning Framework for Scotland 3 is deemed to have established the need for that development.</td>
<td>future be submitted to the Welsh Ministers, rather than to Local Planning Authorities</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**transparency, engagement and stakeholder involvement**

**Planning Applications**

<table>
<thead>
<tr>
<th>Pre application consultation is provided to applicants free of charge</th>
<th>Pre application consultation by applicants and local communities by developers required for</th>
<th>Pre Application consultation by applicants with community required for major and nationally</th>
<th>Pre Application consultation on major development required (Wales Planning Act)</th>
<th></th>
<th>Jersey</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Offer 2 types of pre application advice:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• a drop-in advice</td>
<td></td>
</tr>
<tr>
<td>Isle of Man</td>
<td>England</td>
<td>Scotland</td>
<td>Wales</td>
<td>N Ireland</td>
<td>Jersey/Guernsey</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>----------</td>
<td>-------</td>
<td>-----------</td>
<td>----------------</td>
</tr>
<tr>
<td>Neighbour notification is at the discretion of case planning officer</td>
<td>large scale developments (2011 Localism Act)</td>
<td>important developments.</td>
<td>2015)</td>
<td>Notification and publicity of planning applications are similar to England</td>
<td>Offers a free service of pre application advice</td>
</tr>
<tr>
<td>Local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application.</td>
<td></td>
<td>Notification and publicity of planning applications are similar to England</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>There are separate arrangements for listed buildings and conservation areas</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anyone can respond to a planning consultation. In addition to individuals who might be directly affected by a planning application, community groups and specific interest groups (national as well as local in some cases) may wish to provide representations on planning applications.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning reports and decisions published online</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All planning applications available online</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Many LPSs now stream important developments.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Services for Householders**
- a pre-application meeting and advice service for larger developments
Isle of Man | England | Scotland | Wales | N Ireland | Jersey/Guernsey
---|---|---|---|---|---
video of planning committees publically via the web | | | | | 

### Development Plans

**Isle of Man**

There is no requirement to set out in a statement how and when individuals and members of the public can engage in the preparation of development plans.

Local planning authorities publish Statements of Community Involvement setting out when and how community and stakeholders will be consulted on planning applications and development plans.

LPAs are required to produce and keep up to date Local development Schemes which set out programme and scope of development Plan Documents.

When making Local Plans there is one statutory stage of consultation and representations received are passed to the independent Examiner. Other informal stages of consultation are usually carried during the preparation of the document.

SDPAs are required to publish and update a **development plan scheme** which outlines their programme for preparing and reviewing the SDP and for engaging the public. The scheme must also contain a **participation statement** setting out the ways in which local people and other stakeholders will be involved in the preparation of the plan.

Planning authorities must publish, and update, a **development plan scheme** which outlines its programme for preparing and reviewing LDPs and for engaging the public. The scheme must also contain a **participation statement** setting out the ways in which local people and other stakeholders will be involved in the preparation of the plan.

At an early stage in the preparation of Local Development Plans, a **Delivery Agreement**, setting out the timetable and community involvement scheme (CIS), for proactively involving the community in plan preparation; it must be approved by formal resolution of the local planning authority and agreed with the Welsh Government, publicised and made available for public inspection.

**Jersey**

Island Plan 2011 was reviewed and approved in 2014. Independent Inspectors were appointed. Public consulted and response rate was high.

**Guernsey**

The current Development Plans being reviewed and replaced by single “Island Plan”

Policy Council put in place arrangements for a full formal public consultation, overseen by independent Planning Inspectors, as required by the Planning Law.

The planning inquiry was run by two experienced planning inspectors were appointed by the Policy Council. They carried out their duties independently of the...
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td>LPAs are required to consult with range of prescribed bodies. Also must engage with strategic partners under “Duty to Cooperate” All planning documents and evidence available online Examiners correspondence published on line Right to appear at Examination provided representation relates to soundness of the plan</td>
<td>preparation of the plan.</td>
<td></td>
<td></td>
<td></td>
<td>former Policy Council, the Environment Department and all other States departments.</td>
</tr>
</tbody>
</table>

### Planning advice

**Planning Aid** run by the RTPI does extend to the Isle of Man but owing to a lack of professional volunteers is not available at present.

The Planning Advisory Service is funded directly by the Department for Communities and Local Government. It provides a range of support and online resources to local authorities to help them deliver an effective planning service.

The Government’s Planning Portal provides information, interactive guides and other resources about how to use the planning

Planning Aid for Scotland, an independent charity, provides professional planning advice, support and training to individuals and community groups across Scotland.

The Welsh Government set up a national Planning Advisory and Improvement Service (PAIS) in May 2015 that it will host. The service will operate on an interim basis in the first year. The group appointed by the Welsh Government to operate the service will also provide advice on how the PAIS should operate effectively in the longer term.

Planning Aid Wales is an independent charity providing advice on all

Northern Ireland does not have an advice service similar to England. The Department advises that the majority of queries relating to the planning process, planning applications and fees should be directed to the local area planning offices. Each new Council area will have its own local planning office.

The Department, through its Planning Portal provides online information and advice on legislation, regional

Planning Aid (RTPI) and PAS do not extend to Jersey/Guernsey
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>system in practice. Planning Aid England, run by the Royal Town Planning Institute, supports communities and individuals with planning issues in England.</td>
<td>aspects of land use planning in Wales.</td>
<td>policy, planning applications and the planning system. Community Places is an independent charity with full-time staff offering advice on planning issues, training and project support for groups meeting Community Places eligibility criteria. It also independently facilitates public and community consultation on planning and public service issues.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Future changes - how systems are evolving

| A review of the planning system is in its early stages and is being led by the Environment and Infrastructure Committee of the Council of Ministers. It is intended that any recommendations from the review will be brought to Tynwald for debate in July 2016. | Since 2010 there has been a significant emphasis by Government on improving the speed and effectiveness of planning to promote economic growth and housing provision in particular. The Government requires LPAs to perform more effectively, more openly and more efficiently to deliver sustainable development and deliver | The Scottish planning system was substantially amended by the Planning etc. (Scotland) Act 2006, with enactment of the main provisions of that Act taking place up until 2010. The Scottish Government’s Programme for Scotland 2015-16 states that the Scottish Government will review the planning system | Following Royal Assent of the Planning (Wales) Act 2015, the Welsh Government has a programme of secondary legislation to bring forward to implement the changes to the planning system introduced by the Act. The Welsh Government has also asked the Law Commission to consider the need for a Planning Consolidation Act for Wales, to create | The 2011 Planning Act, which took effect in April 2015, brought a complete reform of the planning system in Northern Ireland by returning certain planning functions to local Councils. Given, this recent change and the need to bed in the system proposed changes appear to relate to organisational change, including the potential establishment of | Jersey POS enterprises review in 2013, reported in 2014 with a series of improvements, reforms. No current plans |
| Jersey/Guernsey |

**Jersey**

| POS enterprises review in 2013, reported in 2014 with a series of improvements, reforms. No current plans |
| Guernsey |

<p>| Review of the planning service in 2008, Scrutiny review report in 2011. Major changes to government structure in 2016 has lead to |</p>
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td>their growth agenda.</td>
<td>The Housing and Planning Bill 2015-16 is currently before Parliament, and contains a number of provisions for speeding up the planning system with the aim of delivering housing growth including creating a zonal system for brownfield land creating automatic planning permission in principle for housing.</td>
<td>with a focus on delivering “a quicker, more accessible and efficient planning process, in particular increasing delivery of high quality housing developments”.</td>
<td>simplified primary planning legislation for development management in Wales. The commission is due to report with a draft bill in the summer of 2017.</td>
<td>independent environment protection agency.</td>
<td>consolidation of legislation and further reforms.</td>
</tr>
</tbody>
</table>

The Government’s July 2015 Productivity Plan, Fixing the Foundations: Creating a more prosperous nation, and the November 2015 Autumn Statement also announced further changes including:

• “significantly” tightening the “planning guarantee” (the time that planning applications spend in total with decision makers), for minor planning applications;
• strengthening

In September 2015, an independent panel was appointed to undertake a review of the Scottish planning system.

The independent panel issued a call for written evidence on 19 October 2015, which posed a series of questions on the issues of development planning, housing delivery, planning for infrastructure, development management, leadership/resourcing/skills and community engagement. The call for evidence closed on 1 December 2015.

The independent panel is due to produce its report in May 2016. Further information on...
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
</table>
| guidance to improve the use of the duty to cooperate on strategic matters between local authorities.
  - introducing a delivery test on local authorities, to ensure delivery against the homes set out in local plans within a reasonable timeframe.
  The Government has separately confirmed that it will put on a permanent basis the current temporary permitted development right allowing offices to change to residential use, in some circumstances, without the need for planning permission. There are also proposals to increase permitted development rights in relation to shale gas exploration.
  **Local plans**
  In response to concerns about the slow production of Local plans the Government commissioned a review of the plan making system. In March 2016 the review is available on the Scottish Government’s website. |
the Local plans expert group submitted a report to Government which identified the key problems related to LP preparation:
• agreeing housing needs
• difficulties with the Duty to Cooperate, including the distribution of unmet housing needs
• a lack of political will and commitment
• a lack of clarity on key issues, particularly SHMAs, strategic planning, Green Belt and environmental constraints
• too many changes – changes of policy, advice and factual changes in forecasts (“moving the goalposts”); and
• a lack of guidance, support and the extent of evidence base requirements
• the nature of the examination process
• the soundness tests and the consistency of decision making from the Planning Inspectorate.

Recommendations for future change include:
Timely plan making
<table>
<thead>
<tr>
<th>Isle of Man</th>
<th>England</th>
<th>Scotland</th>
<th>Wales</th>
<th>N Ireland</th>
<th>Jersey/Guernsey</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Introducing a statutory duty on local authorities to produce and maintain an up to date local plan; • deadline of March 2017 for submitting plans for examination, • the Government should abandon the principle of “saved policies”, which attach weight to historic local plans.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy Changes</td>
<td>To avoid “moving goal posts” that he NPPF is reviewed only every five years; • the NPPG is only changed periodically (for instance, every 6 months); and • proposed changes to the NPPG are subject to scrutiny by a technical working group to avoid unintended consequences.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plan making</td>
<td>• changing regulations to allow consultation on vision and issues, draft plans can be revised following consultation before submission for examination • reducing scope of sustainability appraisal</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Isle of Man</td>
<td>England</td>
<td>Scotland</td>
<td>Wales</td>
<td>N Ireland</td>
<td>Jersey/Guernsey</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>----------</td>
<td>-------</td>
<td>-----------</td>
<td>----------------</td>
</tr>
</tbody>
</table>
| • limiting evidence required  
• reducing scope of LPs to strategic issues, leaving neighbourhood Plans to fill in detail  
• maximum two-year target for completion  
• interim audit of strategic matters to avoid waste and delay at Examination.  
• content to be shortened – not repeating NPPF  
• better use of technology  
• improved presentation quality to make plans easier to understand. | | | | | |

**Environmental Impact Assessment**

- Whilst the Isle of Man does not follow EU environmental Directives it has signed up to various Council of Europe accords which cover environmental standards.
  - There are no formal EIA requirements set out in primary legislation.
  - In the Strategic Plan 2007, there was a specific requirement for EIA for EU Environmental Directives apply, and have been incorporated into UK law. Plan making requires Strategic Environmental Impact Assessment and planning applications for major development requires Environmental Impact Assessment (EIA).
  - Habitat Regulations Assessment (HRA) may also apply for policies/  
- As per England  
- As per England  
- As per England  
- Jersey  
  - Supplementary guidance introduced in 2011 for Environmental Impact  
- Guernsey  
Isle of Man | England | Scotland | Wales | N Ireland | Jersey/Guernsey
--- | --- | --- | --- | --- | ---
the first time. The principles to be followed, which are essentially the same as those in operation in other administrations, are set out in Environment Policy 24 and explained further in Appendix 5.

There is a long term aspiration to issue a Planning Policy Statement, specifying the manner in which it is intended to deal with planning applications which should be subject to EIA, this has yet to be published however the interim measures identified in the Strategic Plan have been consistently applied.
sites which affect European site.