



# EMERGENCY POWERS (CORONAVIRUS) (TOWN AND COUNTRY PLANNING PROCEDURES) REGULATIONS 2020

## Index

| Regulation   | Page |
|--|------|
| 1 Title .....  | 3    |
| 2 Commencement .....   | 3    |
| 3 Interpretation.....  | 3    |
| 4 General .....  | 4    |
| 5 Temporary modification of the 2013 Order .....                           | 4    |
| 6 Temporary modification of the 2019 Order .....                           | 6    |
| 7 Temporary modification of the Advertisement Regulations .....            | 9    |
| 8 Temporary modification of the old Registered Buildings Regulations ..... | 10   |
| 9 Temporary modification of the Registered Buildings Regulations .....     | 12   |
| 10 Application and transitional provisions.....                            | 14   |



Statutory Document No. 2020/0314



*Emergency Powers Act 1936*

# EMERGENCY POWERS (CORONAVIRUS) (TOWN AND COUNTRY PLANNING PROCEDURES) REGULATIONS 2020

*Laid before Tynwald:*

*Approved by Tynwald:*

*Coming into Operation: in accordance with regulation 2*

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The Governor in Council makes the following Regulations under section 4 of the Emergency Powers Act 1936.

## **1 Title**

These Regulations are the Emergency Powers (Coronavirus) (Town and Country Planning Procedures) Regulations 2020.

## **2 Commencement**

These Regulations come into operation immediately after they are made<sup>1</sup>.

## **3 Interpretation**

In these Regulations —

“**Coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**the Coronavirus Proclamation period**” means the period for which the following proclamations are in operation —

- (a) the Proclamation of Emergency dated 16 March 2020<sup>2</sup>; and
- (b) all subsequent consecutive Proclamations of Emergency that relate to the pandemic of Coronavirus (also known as COVID-19);

“**the Department**” means the Department of Environment, Food and Agriculture;

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<sup>1</sup> By virtue of section 4(2) of the Emergency Powers Act 1936, these Regulations made by the Governor in Council must be laid before Tynwald within 7 days of being made and continue in force beyond 7 days of being so laid only if Tynwald passes a resolution to that effect.

<sup>2</sup> SD 2020/0162.

“**the 2013 Order**” means the Town and Country Planning (Development Procedure) (No 2) Order 2013<sup>3</sup>;

“**the 2019 Order**” means the Town and Country Planning (Development Procedure) Order 2019<sup>4</sup>

“**the Advertisement Regulations**” means the Town and Country Planning (Control of Advertisements) Regulations 2013<sup>5</sup>;

“**the old Registered Buildings Regulations**” means the Town and Country Planning (Registered Buildings) Regulations 2013<sup>6</sup> in the form that they were in before they were amended by the Town and Country Planning (Miscellaneous Amendments) Regulations 2019<sup>7</sup>;

“**the planning instruments**” means the 2013 Order, the 2019 Order, the Advertisement Regulations, the Registered Building Regulations and the old Registered Buildings Regulations; and

“**the Registered Buildings Regulations**” means the Town and Country Planning (Registered Buildings) Regulations 2013<sup>8</sup>.

#### 4 General

These Regulations contain temporary modifications of the 2013 Order, the 2019 Order, the Advertising Regulations, the old Registered Buildings Regulations and the Registered Buildings Regulations relating to inquiries.

#### 5 Temporary modification of the 2013 Order

- (1) During the Coronavirus Proclamation period, to the extent that the 2013 Order continues in operation for the purpose of the transitional arrangements set out in article 29 of the 2019 Order, the 2013 Order is modified as follows.
- (2) In article 8 (appeal from decisions of the Department) —
  - (a) omit paragraph (1)(c);
  - (b) after paragraph (2) insert —
 

**(2A)** An appeal is determined by means of written representations.**(2A)**;
  - (c) omit paragraph (3)(a);
  - (d) for paragraph (4) substitute —

<sup>3</sup> SD 0238/13, as amended by SD 2015/0134 and SD 2015/0228.

<sup>4</sup> SD 2019/0423.

<sup>5</sup> SD 0434/13, as amended by SD 2019/0422.

<sup>6</sup> SD 0432/13.

<sup>7</sup> SD 2019/0422.

<sup>8</sup> SD 0432/13, as amended by SD 2019/0422.

- (4) The Chief Secretary may invite the submission of additional written submissions within 14 days from the date of such invitation. **22**;
- (e) omit paragraph (5);
- (f) in paragraph (7) —
- (i) at the end of sub-paragraph (a) insert **22** and any other material or information the planning inspector considers necessary in order to discharge his or her functions under this article **22**; and
- (ii) omit sub-paragraphs (b) and (c); and
- (g) for paragraph (7A) substitute —
- 22**(7A) The appellant may withdraw the appeal by giving notice in writing to the Chief Secretary at any time before the final date of receipt for written submissions under article 8(3) or (4). **22**.
- (3) Omit article 9 (payment of costs).
- (4) In article 10 (reference of certain applications to the Council of Ministers) —
- (a) after paragraph (1), insert —
- 22**(1A) An application is determined by the Council of Ministers by means of written representations. **22**;
- (b) in paragraph (6)(b), omit “unless any of them requests that the application be conducted by means of an inquiry,”; and
- (c) in paragraph (8) —
- (i) at the end of sub-paragraph (a) insert **22** and any other material or information the planning inspector considers necessary in order to discharge his or her functions under this article **22**;
- (ii) omit sub-paragraph (b); and
- (iii) omit sub-paragraph (c).
- (5) In article 11 (called-in applications by the Council of Ministers) —
- (a) after paragraph (1), insert —
- 22**(1A) An application is determined by the Council of Ministers by means of written representations. **22**;
- (b) in paragraph (2)(c), for “an inquiry” substitute **22** written representations **22**; and
- (c) in paragraph (5) —
- (i) at the end of sub-paragraph (a) insert **22** and any other material or information the planning inspector considers

necessary in order to discharge his or her functions under this article **22**;

- (ii) omit sub-paragraph (b); and
  - (iii) omit sub-paragraph (c).
- (6) In article 12 (inquiry and written representation procedure), in the heading, omit the words “Inquiry and”.
- (7) In Schedule 3 (inquiry and written representation procedure) —
- (a) in the heading, omit “INQUIRY AND”;
  - (b) in paragraph 1 (interpretation), omit the definition of “inquiry”;
  - (c) omit paragraphs 2 (procedure at inquiry) and 3 (evidence); and
  - (d) in paragraph 4 (written representation procedure) —
    - (i) after sub-paragraph (1) insert —
 

**23**(1A) The planning inspector may invite the Department, the appellant or the appellant’s agent and any interested person to make additional written submissions if the planning inspector considers it necessary in order to discharge his or her functions under this Order. **22**; and
    - (ii) after sub-paragraph (2) insert —
 

**23**(2A) An inspection of the land referred to in sub-paragraph (2) may be carried out by —

      - (a) a competent independent person appointed by the planning inspector;
      - (b) the planning inspector making such inquiries as he or she considers appropriate in the circumstances;
      - (c) means of digital technology; or
      - (d) any other means that the planning inspector considers appropriate in the circumstances. **22**.

## 6 Temporary modification of the 2019 Order

- (1) During the Coronavirus Proclamation period, the 2019 Order is modified as follows.
- (2) In article 10 (appeals from decisions of the Department) —
- (a) omit paragraph (5)(a)(ii); and
  - (b) after paragraph (8), insert —
 

**24**(9) An appeal is determined by means of written representations. **22**.

- (3) In article 11 (role of the Chief Secretary) –
- (a) in paragraph (1)(a), omit “(including on whether the appeal should be determined by means of written representations or by means of an inquiry)”;
  - (b) for paragraph (1)(b), substitute –
    - ☐(b) stating that the appeal will be determined by means of written representations.☐;
  - (c) omit paragraph (3);
  - (d) omit paragraph (4);
  - (e) omit paragraph (5);
  - (f) omit paragraph (6)(a);
  - (g) for paragraph (8), substitute –
    - ☐(8) Upon the expiry of the period referred to in paragraph (1)(a) and paragraph (6)(c), the Chief Secretary must refer an appeal referred to in this article to a planning inspector stating that it is to be determined by means of written representations.☐; and
  - (h) omit paragraph (9).
- (4) In article 12 (role of the planning inspector) –
- (a) in paragraph (1), omit sub-paragraphs (b), (c) and (d);
  - (b) omit paragraph (2); and
  - (c) in paragraph (3), omit “presented or”.
- (5) For article 14 (withdrawal of appeal) substitute –
- ☐14 Withdrawal of appeal**
- The appellant may withdraw an appeal by giving notice in writing to the Chief Secretary at any time before the expiry of the period referred to in article 11(6)(c) or that period as extended under article 11(7).☐.
- (6) Omit article 15 (payment of costs).
- (7) In article 17 (publication of notices and reports by the Department), after paragraph (8), insert –
- ☐(9) An application is determined by the Council of Ministers by means of written representations.☐.
- (8) In article 18 (referrals to the Chief Secretary) –
- (a) in paragraph (1) –
    - (i) in sub-paragraph (b), for “an inquiry” substitute ☐written representations☐; and

- (ii) in sub-paragraph (c), omit “unless a written representation is made for the application to be determined by means of an inquiry,”; and
  - (b) omit paragraph (3)(b).
- (9) In article 19 (references to the planning inspector) —
- (a) in paragraph (1) —
    - (i) at the end of sub-paragraph (a) insert **22** and any other material or information the planning inspector considers necessary in order to discharge his or her functions under this article **22**;
    - (ii) omit sub-paragraph (b); and
    - (iii) omit sub-paragraph (c);
  - (b) in paragraph (2), omit “presented or”; and
  - (c) omit paragraph (3).
- (10) In article 28 (inquiry and written representation procedure), in the heading, omit “Inquiry and”.
- (11) In Schedule 2 (inquiry and written representation procedure) —
- (a) in the heading, omit “INQUIRY AND”;
  - (b) in paragraph 1 (interpretation), omit the definition of “inquiry”;
  - (c) omit paragraphs 2 (procedure at inquiry) and 3 (evidence); and
  - (d) in paragraph 4 (written representations procedure) —
    - (i) after sub-paragraph (1) insert —
      - 22**(1A) The planning inspector may invite the appellant and any other interested person to make additional written representations if the planning inspector considers it necessary in order to discharge his or her functions under this Order. **22**; and
    - (ii) after sub-paragraph (2) insert —
      - 22**(2A) An inspection of the land referred to in sub-paragraph (2) may be carried out by —
        - (a) a competent independent person appointed by the planning inspector;
        - (b) the planning inspector making such inquiries as he or she considers appropriate in the circumstances;
        - (c) means of digital technology; or
        - (d) any other means that the planning inspector considers appropriate in the circumstances. **22**.



## 7 Temporary modification of the Advertisement Regulations

- (1) During the Coronavirus Proclamation period, the Advertisement Regulations are modified as follows.
- (2) In regulation 13 (appeal from decisions of the Department) –
  - (a) omit paragraph (1)(c);
  - (b) for paragraph (2) substitute –
    - █(2) Articles 10(8) and 11 to 13 of the Development Procedure Order as modified by the Emergency Powers (Coronavirus) (Town and Country Planning Procedures) Regulations 2020<sup>9</sup> apply for the purposes of this regulation with any necessary modifications. █; and
  - (c) after paragraph 2, insert –
    - █(2A) An appeal is determined by means of written representations. █.
- (3) In regulation 14 (reference of certain applications to Council of Ministers) –
  - (a) after paragraph (2), insert –
    - █(2A) An application is determined by the Council of Ministers by means of written representations. █;
  - (b) for paragraph (7)(b), substitute –
    - █(b) inform those persons that the application will be dealt with by means of written representations only. █; and
  - (c) in paragraph (9) –
    - (i) at the end of sub-paragraph (a) insert █ and any other material or information the planning inspector considers necessary in order to discharge his or her functions under this regulation █; and
    - (ii) omit sub-paragraphs (b) and (c).
- (4) In regulation 15 (inquiry and written representation procedure), in the heading, omit “Inquiry and”.
- (5) In Schedule 6 (inquiry and written representation procedure) –
  - (a) in the heading, omit “INQUIRY AND”;
  - (b) in paragraph 1 (interpretation), omit the definition of “inquiry”;
  - (c) omit paragraphs 2 (procedure at inquiry) and 3 (evidence); and
  - (d) in paragraph 4 (written representation procedure) –
    - (i) after sub-paragraph (1) insert –

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<sup>9</sup> SD 2020/0314.

- 14(1A) The planning inspector may invite the Department, the appellant or the appellant's agent and any interested person to make additional written submissions if the planning inspector considers it necessary in order to discharge his or her functions under these Regulations. 14; and
- (ii) after sub-paragraph (2) insert –
- 14(2A) An inspection of the land referred to in sub-paragraph (2) may be carried out by –
- (a) a competent independent person appointed by the planning inspector;
  - (b) the planning inspector making such inquiries as he or she considers appropriate in the circumstances;
  - (c) means of digital technology; or
  - (d) any other means that the planning inspector considers appropriate in the circumstances. 14.

## 8 Temporary modification of the old Registered Buildings Regulations

- (1) During the Coronavirus Proclamation period, to the extent that the old Registered Buildings Regulations continue in operation for the purpose of the transitional arrangements set out in regulation 12 of the Town and Country Planning (Miscellaneous Amendments) Regulations 2019<sup>10</sup>, the old Registered Buildings Regulations are modified as follows.
- (2) In regulation 11 (appeal from decisions of the Department) –
  - (a) omit paragraph (1)(c);
  - (b) after paragraph (2), insert –
 

14(2A) An appeal is determined by means of written representations. 14;
  - (c) omit paragraph (3)(a);
  - (d) for paragraph (4), substitute –
 

14(4) The Chief Secretary may invite the submission of additional written submissions within 14 days from the date of such invitation. 14;
  - (e) omit paragraph (5);
  - (f) in paragraph (7) –

<sup>10</sup> SD 2019/0422.

- (i) at the end of sub-paragraph (a) insert **13** and any other material or information the planning inspector considers necessary in order to discharge his or her functions under this regulation **13**; and
    - (ii) omit sub-paragraphs (b) and (c); and
  - (g) for paragraph (10) substitute —
    - 13**(10) The appellant may withdraw the appeal by giving notice in writing to the Chief Secretary at any time before the final date of receipt for written submissions under article 11(3) or (4). **13**.
- (3) In regulation 13 (reference of certain applications to Council of Ministers) —
  - (a) after paragraph (1), insert —
    - 13**(1A) An application is determined by the Council of Ministers by means of written representations. **13**;
  - (b) for paragraph (6)(b), substitute —
    - 13**(b) inform those persons that the application will be dealt with by means of written representations only. **13**; and
  - (c) in paragraph (8) —
    - (i) at the end of sub-paragraph (a) insert **13** and any other material or information the planning inspector considers necessary in order to discharge his or her functions under this regulation **13**; and
    - (ii) omit sub-paragraphs (b) and (c).
- (4) In regulation 14 (inquiry and written representation procedure), in the heading, omit “Inquiry and”.
- (5) In Schedule 3 (inquiry and written representation procedure) —
  - (a) in the heading, omit “INQUIRY AND”;
  - (b) in paragraph 1 (interpretation), omit the definition of “inquiry”;
  - (c) omit paragraphs 2 (procedure at inquiry) and 3 (evidence); and
  - (d) in paragraph 4 (written representation procedure) —
    - (i) after sub-paragraph (1) insert —
      - 13**(1A) The planning inspector may invite the Department, the appellant or the appellant’s agent and any interested person to make additional written submissions if the planning inspector considers it necessary in order to discharge his or her functions under these Regulations. **13**; and
    - (ii) after sub-paragraph (2) insert —

2A An inspection of the land referred to in sub-paragraph (2) may be carried out by –

- (a) a competent independent person appointed by the planning inspector;
- (b) the planning inspector making such inquiries as he or she considers appropriate in the circumstances;
- (c) means of digital technology; or
- (d) any other means that the planning inspector considers appropriate in the circumstances.

## 9 Temporary modification of the Registered Buildings Regulations

- (1) During the Coronavirus Proclamation period, the Registered Buildings Regulations are modified as follows.
- (2) In regulation 11 (appeal from decisions of the Department) –
  - (a) omit paragraph (1)(c);
  - (b) after paragraph (2), insert –
 

2A An appeal is determined by means of written representations.
  - (c) omit paragraph (3)(a);
  - (d) for paragraph (4), substitute –
 

4 The Chief Secretary may invite the submission of additional written submissions within 14 days from the date of such invitation.
  - (e) omit paragraph (5);
  - (f) in paragraph (7) –
    - (i) at the end of sub-paragraph (a) insert “and any other material or information the planning inspector considers necessary in order to discharge his or her functions under this regulation”; and
    - (ii) omit sub-paragraphs (b) and (c); and
  - (g) for paragraph (10) substitute –
 

10 The appellant may withdraw the appeal by giving notice in writing to the Chief Secretary at any time before the final date of receipt for written submissions under article 11(3) or (4).
- (3) In regulation 13 (reference of certain applications to Council of Ministers) –

- (a) after paragraph (1), insert —
  - █(1A) An application is determined by the Council of Ministers by means of written representations. █;
- (b) for paragraph (6)(b), substitute —
  - █(b) inform those persons that the application will be dealt with by means of written representations only. █; and
- (c) in paragraph (8) —
  - (i) at the end of sub-paragraph (a) insert █ and any other material or information the planning inspector considers necessary in order to discharge his or her functions under this regulation █; and
  - (ii) omit sub-paragraphs (b) and (c).
- (4) In regulation 14 (inquiry and written representation procedure), in the heading, omit “Inquiry and”.
- (5) In Schedule 3 (inquiry and written representation procedure) —
  - (a) in the heading, omit “INQUIRY AND”;
  - (b) in paragraph 1 (interpretation), omit the definition of “inquiry”;
  - (c) omit paragraphs 2 (procedure at inquiry) and 3 (evidence); and
  - (d) in paragraph 4 (written representation procedure) —
    - (i) after sub-paragraph (1) insert —
      - █(1A) The planning inspector may invite the Department, the appellant or the appellant’s agent and any interested person to make additional written submissions if the planning inspector considers it necessary in order to discharge his or her functions under these Regulations. █; and
    - (ii) after sub-paragraph (2) insert —
      - █(2A) An inspection of the land referred to in sub-paragraph (2) may be carried out by —
        - (a) a competent independent person appointed by the planning inspector;
        - (b) the planning inspector making such inquiries as he or she considers appropriate in the circumstances;
        - (c) means of digital technology; or
        - (d) any other means that the planning inspector considers appropriate in the circumstances. █.

## 10 Application and transitional provisions

- (1) Paragraph (2) applies to an appeal from a decision of the Department under the planning instruments that –
  - (a) has been made before these Regulations come into operation; but
  - (b) has not been finally determined or disposed of in accordance with the planning instruments.
- (2) Despite any election for the appeal to be determined by means of an inquiry or any invitation for the appeal to be determined by means of an inquiry, that appeal must be determined by means of written representations in accordance with the planning instruments as modified by these Regulations.
- (3) Paragraph (4) applies to an application to be determined by the Council of Ministers under the planning instruments that –
  - (a) has been made before these Regulations come into operation; but
  - (b) has not been finally determined, or disposed of, in accordance with the planning instruments.
- (4) Despite any election or requirement for the application to be determined by means of an inquiry or any invitation for the application to be determined by means of an inquiry, that application must be determined by means of written representations in accordance with the planning instruments as modified by these Regulations.
- (5) Any appeal from a decision of the Department under the planning instruments that –
  - (a) is referred to in paragraphs (1) or (2) or is made during the Coronavirus Proclamation period; and
  - (b) is not finally determined, or disposed of, before the end of the Coronavirus Proclamation period,is to continue to be dealt with in accordance with the planning instruments as modified by these Regulations.
- (6) Any application that is to be determined by the Council of Ministers that –
  - (a) is referred to in paragraphs (3) or (4) or is made during the Coronavirus Proclamation period; and
  - (b) is not finally determined, or disposed of, before the end of the Coronavirus Proclamation period,is to continue to be dealt with in accordance with the planning instruments as modified by these Regulations.

**MADE AT 08:26 ON 22 MAY 2020**

**W GREENHOW**  
*Chief Secretary*

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

These Regulations are made by the Governor in Council under section 4 of the Emergency Powers Act 1936 and following a proclamation of a state of emergency under section 3 of that Act.

These Regulations are made for the purpose of securing the essentials of life to the community of the Island and for the protection of the economy of the Island.

For the duration of the present state of emergency these Regulations modify –

- (a) the Town and Country Planning (Development Procedure) (No 2) Order 2013 [*SD 0238/13, as amended by SD 2015/0134 and SD 2015/0228*];
- (b) the Town and Country Planning (Development Procedure) Order 2019 [*SD 2019/0423*];
- (c) the Town and Country Planning (Control of Advertisements) Regulations 2013 [*SD 0434/13, as amended by SD 2019/0422*];
- (d) the old Registered Buildings Regulations [*SD 0432/13*]; and
- (e) the Town and Country Planning (Registered Buildings) Regulations 2013 [*SD 0432/13, as amended by SD 2019/0422*].

These modifications provide that appeals from decisions of the Department, Departmental planning applications and applications referred to the Council of Ministers will be considered through written representations only.