

Action plan to improve the planning system

Overview

The Isle of Man planning system like planning frameworks elsewhere around the British Isles, was designed and is operated to manage development, balancing sometimes competing interests. The broad aim is to develop the Island sustainably and one of the 20 outcomes in the Programme for Government 2016 - 2021 is to:

Have a planning system which supports sustainable growth

In recent months planning system issues have been highlighted in a review carried out by officers for the Council of Ministers, as they were highlighted in two previous reviews:

- The **report of the Select Committee on Planning and Building Control** <<http://www.tynwald.org.im/business/pp/Reports/2016-PP-0076.pdf>> (petition for Redress) 2015-16
- High Level **Strategic Review of Planning** <<http://www.tynwald.org.im/business/opqp/sittings/Tynwald%2020142016/2016-GD-0048.pdf>> in the Isle of Man.

Four policy statements, underpinned by actions and indicators, were set out to guide Government to achieve its planning system outcome:

- Shape and design a planning system informed by recent reviews and consultation
- Make it easier for Government's priorities to be reflected in the way planning applications are considered

- Develop a programme for the ongoing monitoring and updating of the Island Development Plan and where appropriate consider bringing forward development land by other mechanisms
- Review our processes and desired goals in respect of the conservation of our built environment

The aim now is to address the issues which have been identified, making any changes needed to have an effective planning system which brings with it the right level of regulation and certainty, is proactive not just reactive, and which can clearly demonstrate its value to the public.

Some reforms are clearly necessary. Generally these involve change which is straightforward and which can be brought into effect easily. Government would like to progress these changes and is telling the public what it proposes to do in coming months.

Implementation of other reform may not be quite so straightforward. For instance change may represent a significant move away from current practice, require legislative amendment, generate differing views from stakeholders, raise more questions and generally require more consideration.

Why we are consulting

This is your opportunity to help Government make the right decisions for the planning system and prepare properly to bring these changes into operation. Your views will be helpful whether your experience is of the planning application process, the preparation of a local or area plan or the environment or heritage aspects of our Island.

Some of the key ideas being explored are:

- Enabling Government to bring forward changes in policy more easily (in order to make it easier for Government's priorities to be reflected in the way planning applications are considered as set out in Programme for

Government)

- Reviewing our town centre/retail policy to ensure it continues to meet the Island's current and future needs
- Introducing an infrastructure levy for larger applications, so that new development better supports communities and the economy
- Using compulsory purchase powers to help enable development
- Increasing the use of Permitted Development Orders, for example to make it easier to introduce new telecommunications technology and to simplify changes in the use of buildings

Who should take part?

This consultation is relevant to you if you:

- have an interest in how the Island will be developed
- are likely to be a future applicant
- wish to comment on applications
- have monitored the progress of a local or area plan
- have an interest in heritage and conservation.

Introductory text

This is an opportunity to help Government make the right decisions for the planning system and prepare to bring these changes into operation.

Foreward by Minister for Policy and Reform

The Chief Minister stated when launching the Programme for Government in Tynwald in November 2016 that reform of the planning system was a priority for almost all Tynwald members.

He continued:

'Everyone believes that our planning system should support growth, but we are also clear that this should not be at any cost. It is not an easy balance, but the consensus is that the system we have at present is not responsive enough.'

As Minister for Policy and Reform, I was charged with leading this reform and increasing confidence in the planning system, making substantial progress within 18 months.

Specific Government Programme actions in my name are:

- Consult in relation to the action plan which was worked up during an officer and Council of Ministers review of how the planning system currently works
- Extend permitted development rights, to increase the amount of development exempted from planning requirements
- Implement improvements to the planning system, including action to reduce the time it takes to process complex planning cases, reduce the number of planning decisions that are overturned at appeal, and tackle issues in respect of building registration which have resulted in nearly 300 buildings on the pending registration list
- Bring into operation the Area Plan for the East and set out a timetable for the Area Plans for the North and West

Hon Chris Thomas MHK
Minister for Policy & Reform

Foreword by the Minister for Environment, Food and Agriculture

My department has responsibility for the day to day operation of the planning system and we have worked very closely with the Cabinet Office developing this consultation document. It proposes an evolution of our present system which will reform the planning system in line with the Programme for Government.

There has been robust debate over the shape of reform and it will be seen from the document that options are presented for consultation. DEFA's Delivery Plan identifies where my department will contribute to ensuring these ambitions are fulfilled. We want to encourage enterprise and opportunity. We are committed to strive for a planning system that is stream lined and supports sustainable growth while conserving buildings that are significant to our heritage and sense of place.

This will encourage people to live, invest in and visit the Island, making the most of our cherished assets – our beautiful landscape and coastline.

Discussion has taken place around making the process more democratic. There are options in the document to involve local authority representatives in planning application decisions. There is also an alternative approach to the plan making process that could provide greater flexibility and quicker plan production.

Hon Geoffrey Boot MHK

Minister for Environment, Food and Agriculture

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This is an opportunity to help Government to make the right decisions for the planning system and prepare properly to bring these changes into operation.

Part of the consultation survey sets out what government is already committed to doing, or hopes to get on with soon. The rest of the survey sets out options to consider with questions related to issues that deserve more thought – this is where your input will be vital.

Thank you for taking part.

What is your name?

Name

What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

Are you responding on behalf of an organisation?

Please select only one item

Yes No

If so, please state the name of your organisation:

May we publish your response?

More information

- Publish in full – your first name and surname, organisation name, along with full answers **will** be published (your email will **not** be published)
- Publish anonymously – only your responses **will** be published (your name, organisation and email will **not** be published)
- Do not publish – **nothing will** be published publically on the hub (your response will only be part of a larger summary response document)

(Required)

Please select only one item

- Yes, you can publish my response in full
- Yes, you may publish my response anonymously
- No, please do not publish my response

Section 1 – Processes

This part of the consultation survey focuses on the process elements of the planning system.

Development plan process

General issue

There is concern that some areas of the Island do not have up to date Development Plans and that others could be out of date before they are next reviewed.

How can the plan making process be simplified and the plan made quicker and easier to change?

Background and context

The Island Development Plan when complete is to be made up of:

- a Strategic Plan
- one or more Area Plan

The current procedures for bringing a plan into operation are set out in the Town and Country Planning Act 1999 Schedule 1. The process of preparing a new plan and presenting it to Tynwald for approval can take between **two and three years**.

The current update of the statutory development plans for the Island is ongoing. The Area Plan for the East is to go before Tynwald for approval in 2019, with a draft being published early in 2018. There is also a commitment to set out a timetable for the Area Plans for the North and West. The Area Plan for the South was approved by Tynwald in 2013.

Government is committed to

- Continuing to allocate strategic reserve sites where appropriate to provide an element of flexibility to plan-making
- This designation acknowledges that these sites are suitable for development, although they may not be available currently or even needed – this means even though the current owner may not wish to develop a site, it could be acknowledged as a suitable site

- Investigating whether or not some procedures for plan making under Schedule 1 of the Act could be transferred from primary legislation to secondary legislation – the aim being to enable faster amendment/update of such procedures when necessary
- Completing the Area Plan for the East and progressing it to approval by Tynwald

What Government would like views on

We want to explore other possibilities for preparing the Island Development Plan and would value your input.

The following question seeks views on whether the level of assessment and depth of analysis and evidence gathering undertaken for the Area Plans is appropriate.

The current process aims to prepare comprehensive Area Plans – a key element being the allocation of development sites in a specific plan area for the lifetime of the Plan.

Option A - the current approach

The site assessment framework and detailed assessment of individual sites remain integral to the development of an Area Plan.

An Area Plan shows:

- where development is generally going to be acceptable
- which areas should be protected from development

This provides certainty and clarity to everyone and allows cumulative impacts as well as the individual impacts of site development to be taken into account, for example regarding combined visual impact or infrastructure needs, rather than being done in an ad hoc manner.

A comprehensive Area Plan showing sites is the current system followed and has the advantage of giving a certain level of confidence to developers, land owners, the public, infrastructure providers, etc. that certain areas are likely to be considered suitable for development through the planning application process. The Area Plan

currently goes through a public inquiry where all elements of the Plan are scrutinised.

Decision-making on applications with an up-to-date development plan should be more straightforward and reasonably quick. However, it is recognised that **key to having more straightforward and quicker decision-making is tied in closely with having up to date development plans**, which are resource heavy and take time to prepare.

Providing sufficient resources are allocated to enable regular updating, this approach should provide developers with more confidence that an individual site will be approved for development, where it has already been specifically identified within the Area Plan.

Option B – a potential alternative approach

The detailed assessment and analysis of specific sites is more limited in the Area Plans.

The site assessment framework could be simplified for the Area Plan stage and changed to a 'criteria based approach' outside of the Area Plan process. **The Area Plans would not identify specific sites for development or have development briefs.**

Effectively, any site that is deemed to meet the 'criteria' that is set out within the Area Plan would be eligible for development. This would probably make Area Plan **development and review quicker**, as the **main task would be to determine the criteria and any specific issues** that need to be addressed.

This approach would remove the ability to examine all the potential sites at the same time and the ability to assess the cumulative as well as individual impacts of their development. Detailed assessment would consequently pass to the planning application stage for individual sites.

Decision-makers on planning applications would need to determine whether 'in principle' a site was suitable for development as well as all the detailed elements of the proposed development. Therefore, the individual planning application process

may take longer to allow the increased judgement against the site assessment criteria.

There may be more appeals, challenging not only the merits of a scheme, but also any decision regarding the suitability of the site for development in the first place.

1 Do you agree with Option A or Option B?

Please select only one item

- Option A - current approach Option B - alternative approach
 Neither option

Please give us your views

2 What are other potential changes that could improve the current Area Plan system?

Please respond

Public engagement in planning policy development

General issue

How can we ensure that communities engage in the formulation of planning policy?

Would non-statutory plans led by local community groups/Local Authorities be beneficial?

Government is keen to see what the appetite is for the production of **Informal Community Plans** – this may lead to a trial for a particular community/local area.

Background and context

It is important that the public understands:

- how planning policy is formulated
- when there are opportunities to influence decision-making

It is also important to look at what other ways local people and groups might like to input into future statutory plan making.

The lowest level of statutory plan supported by the **Town and Country Planning Act 1999**

https://www.gov.im/media/1349046/townandcountryplanningact1999_4.pdf is currently the Area Plan. There is no prescribed size or scale of Area Plan but it will generally relate to a number of Local Authority Areas.

Area Plans do address the development needs of specific villages and communities but this process may be helped by producing local 'non-statutory plans' for a specific place.

Government is committed to

During prescribed public consultation periods for development plans and other planning policy documents Government will:

- Make it easier for people to submit comments online if they wish
- Work with Local Authorities to ensure engagement
- Review the way displays and visual aids are set up and where appropriate embrace new technology to help explain more visually map-based policy proposals and complex data

What Government would like views on

Whether there is potential to invite communities to propose an area (which could be a service centre, service village or village) to be the subject of a '**community plan**'.

Matters such as the policy framework, timeframe, resource commitment, community consultation and publication costs would need agreement and a trial might be useful to see how this could work best.

3 Do you think having a non-statutory community plan is a good idea?

Please select only one item

Yes No

Please state your reasons.

4 Would you support the implementation of a pilot non-statutory community plan?

Please select only one item

Yes No

If so, how should Local Authorities and other local groups be involved?

5 Is there anything else you would like to tell us regarding public engagement in Planning Policy Development?

Please give us your views

Planning application process

General issue

The application process can take a long time, especially for complex or contentious sites, and it is difficult to balance good community engagement in planning applications with speed and consistency.

Can the way we consider and determine planning applications be done in a more proportionate way?

In response to this, and following analysis of data, we have concluded that the balance between public engagement and how long it took to negotiate and process applications was about right for most applications, but that there are some areas that are frustrating for applicants or neighbours, that can be improved.

It is suggested that too much time and resources is spent on small applications that are uncontentious and have little impact on the environment or on people. This reduces the amount of time that can be spent on larger applications that warrant more attention to ensure that the best outcome is reached.

The Government wants to reduce unnecessary red tape and provide greater certainty for applicants.

Government is committed to

- Providing the ability to register on-line an interest in being notified electronically of any planning applications made in a defined area
- Allowing the Planning Committee, applicants and other parties to ask questions for clarity or of fact, during the Planning Committee meetings
- Providing additional guidance on what types of application there are, in particular what an 'Approval in Principle' means
- Increasing use of digital processes

- Speeding up publication and notifications of applications
- Increasing the amount of development or change of use that can be undertaken without the need to submit a planning application, through introduction of a new Permitted Development Order

What Government would like views on

We would like your views on whether a new type of planning application that deals with amendments to previously approved applications should be introduced.

At the current time, if an applicant wants to change even a relatively minor aspect of a development they need to submit the whole proposal again.

6 Do you think it would be beneficial to amend the Town and Country Planning Act to include a new application type that deals with amendments to previously approved applications?

Please select only one item

Yes No

Please state your reasons.

7 Do you have any other comments regarding the speed at which planning applications are decided?

Please give us your views

8 Should applicants be expected to pay for pre-application advice for more complex proposals?

To allow more comprehensive pre-application advice and an agreed level of service

Please select only one item

Yes No

Please give us your views

9 What types of development should be able to occur without the need for a planning application to be submitted?

Please give us your views

10 The ever-increasing pace of mobile phone and data usage means that 5G or other telecommunication technology will be required quickly, so do you think planning exemptions for telecoms development should be extended?

Please select only one item

Yes No

Please give us your views

11 Is there anything else you would like to tell us regarding the planning application process?

Please give us your views

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Planning appeals process

General issue

The appeals process can take too long and there is potentially too much opportunity for third parties to be involved which causes delay and uncertainty to applicants.

In response to this we reviewed the reasons for which objectors were given interested person status and why appeals take the length of time they do.

Currently, those who make submissions on a planning application and meet the criteria set out for Interested Party Status can request an appeal into a decision within 21 days of the decision notice being issued. Other parties that have not been awarded Interested Party Status can still make written views to an appeal, but cannot request the appeal and cannot take part in an appeal.

Third party appeals are a unique feature of the Island's planning system with most neighbouring jurisdictions allowing appeals only from applicants.

Government is committed to:

- Encouraging more appeals to be dealt with in writing, so that decisions are faster and there is reduced cost to the tax-payer

What Government would like views on:

We would like to hear your views on the appeals process and in particular:

- whether third party appeals should continue
- if so, what criteria should be applied to determine **who** should be able to appeal
- how the fees for appeals should be structured

For example, if third party appeals are retained should lobby groups who may not live locally or competitors of potential new businesses be able to claim interested party status? Should only direct neighbours be entitled to the status?

12 Should third party appeal rights be retained or removed?

Please select only one item

- Retain – keep third party appeal rights
- Remove – no longer permit third party appeals
- Neither – do something else

Please state your reasons.

13 If you think third party appeals should be retained, should the right to appeal be limited to those people who have a genuine and legitimate planning concern that affects them or their property which is close to the proposed development?

Please select only one item

- Yes – limit rights to only genuine and direct neighbours
- No – do not restrict to specific third party groups

Please state your reasons.

14 What might constitute a legitimate and genuine planning concern and what might not?

State the criteria you think should be used when assessing concerns.

15 Do you think it is appropriate to have a two-tier fee structure?

With **lower fees** for appeals that are dealt with by way of written correspondence in order to discourage appeal hearings in favour of a **written appeal process**

Please select only one item

Yes No

Please state your reasons.

16 How can the number of appeals be reduced?

How can appeals be dealt with more quickly?

17 Do you have any other comments regarding the matter of third party involvement?

Decision-making process

General issue

- How can Government influence planning policy more quickly to respond to changing circumstances or to better reflect their current priorities?
- Should the Planning Committee's membership include locally elected representatives?

Background and context

Planning applications and development plans - matters to be taken into account by decision makers

The planning system should reflect Government's policies. However, there will always be a need to amend policy to respond to changing circumstances and it is suggested that this currently takes too long. Indeed, there is an argument that the process to change planning policy as laid out in the Development Plan is so extensive that it is challenging for a Government to achieve real change during its term of administration.

Views are being sought as to whether there is merit to amending the Town and Country Planning Act to allow decision-makers to use a new type of policy document when deciding on planning applications.

This could be in the form of a Tynwald-approved national policy priority document (or series of them). Such a document(s) could be explicitly referred to in Section 10 of the Act and could set out a policy stance on a particular issue which departs from the Island Development Plan.

Such a change in primary legislation would **enable Government to create a policy document at the highest level** which would carry material weight in decision-making.

It would represent a significant change from the current situation, where the Island Development Plan is similar to secondary legislation which provides the broad

planning framework and for which there are extensive prescribed processes to make even minor changes.

With this ability comes the **risk** that there would be more uncertainty associated with when and if a national policy priority document is to be produced and what effect it could have.

However, a National Policy Priority document could allow Government priorities to influence planning decisions **more quickly**, helping to make the planning system significantly more responsive.

Planning Committee

The Planning Committee has an important role in the decision-making process.

Currently, the membership of the Committee is made up of 'lay members' with a political Chair.

This is unique to the Island and consideration should be given to whether membership of the Committee should be broadened to include others (for example representatives from Local Authorities).

Establishing a Consultative Body

Under Section 40 of the Town and Country Planning Act, Government is required to establish an advisory body to allow views on various matters relating to planning to be considered.

While this provision is considered to have potential value, it is felt appropriate for the Cabinet Office merely to have the power to appoint such an advisory body rather than a duty to do so.

Government is committed to

- Improving the definition of 'General Importance to the Island' as set out in Section 11(1)(a) of the Act, to ensure that where appropriate, Government priorities are better acknowledged through reference ('calling in') of

applications to Council of Ministers

- Linked to the above action, Government will provide clear procedures for how applications of 'General Importance to the Island' are to be identified and called in for Council decisions to ensure appropriate and consistent use of their powers for such applications
- Amend the law so that the Cabinet Office has the power, but not the duty, to appoint a planning advisory body under Section 40 of the Act

What Government would like views on

We would like to hear your views on the decision-making process.

Matters of general importance to the Island

It is important to ensure that decisions relating to issues of particular importance to the Island are taken with regard to both the planning and, equally importantly, other policies that have been established, for example social, environmental and economic policies.

Council of Ministers has the power to 'call in' applications which are deemed to be of 'general importance to the Island.' However this has been used infrequently.

It is considered that providing procedures on how this provision should be used and what types of proposal may warrant being 'called in' would be appropriate.

18 Should Government have the ability to create a policy document at the highest level which would carry material weight in decision-making?

Please select only one item

Yes No

Please state your reasons.

19 If so, do you agree that any such change in planning policy should continue to be the subject of public consultation and approval by Tynwald?

Please select only one item

Yes No

Please state your reasons.

20 Do you think that Local Authority representatives should be included in the membership of the Planning Committee?

Please select only one item

Yes No

Please state your reasons.

21 Is there anything else you would like to tell us regarding improvements to the decision-making process?

Section 2 – Policies

This part of the consultation survey focuses on the policy elements of the planning system.

Design quality

General issue

There is sometimes feedback that the design quality of some new development should be higher and that the planning system should better enable innovative designs.

Background and context

We want our built environment to add to the quality of life of our communities and to reflect the success of our economy.

This review is an opportunity for the Island to ensure that good design is nurtured to encourage innovation and quality.

It is recognised that applicants and government both have a role to play in achieving better design.

Government is committed to

Introducing new or additional information to guide:

- the design of development (such as for houses in the countryside)
- the standards that development should aim to meet (potentially using visual guides rather than just written guides)

Such guidance will provide scope for innovation and discretion while also demonstrating good examples.

What Government would like views on

We would like to hear your views on how design quality can be raised.

22 Is there anything you would like to tell us regarding how to raise design quality?

Please provide comments and recommendations.

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Living and working environments

General issue

Some feel that new developments have an inadequate amount of space surrounding them which constrains amenity, parking and the ability to extend.

It can feel as though everything is on top of each other and at the lower end of the market, properties may be considered too small.

Background and context

The physical size of the rooms that we eat, sleep and work in, are considered by some to be too small.

This review provides an opportunity to create a better living and working environment by increasing these minimum standards to create spaces that are more relaxing to live in and better to work in.

Any changes would need to ensure that land continues to be used efficiently.

Government is committed to

- Considering introducing new minimum standards for new developments (with exceptions)
- Looking at ways of improving the design and layout of developments on key sites by requiring more master planning

What Government would like views on

We would like to hear your views on how we can ensure that our living and working environments can best meet our needs.

23 Do you agree that the minimum size standards required in new residential developments should be increased?

Please select only one item

Yes No

Please state your reasons.

24 If yes, should there be exceptions to these standards?

For example, exceptions for:

- studio apartments
- conversions
- development in Conservation Areas
- development in Registered Buildings

Please select only one item

Yes No

Please state your reasons and recommendations.

25 Do you think that key sites should be the subject of greater master-planning?

For example including planting and layout of new developments

Key site definition

A key site may be a site that is:

- of a significant size
- in a prominent location
- of strategic importance to a particular use
- an area for special treatment specified in an area plan

Please select only one item

Yes No

Please state your reasons.

26 Is there anything else you would like to tell us regarding building sizes and density?

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Heritage

General issue

How can we better protect and cherish our heritage while providing a more flexible environment that supports economic development?

Background and context

The Island has a wealth of built heritage which is an integral part of our culture. Managing change within our built heritage requires care and balance to ensure that we protect what is most important while accepting that a heritage building without a current use will often suffer neglect and decline.

Therefore, providing enough flexibility to secure **new uses** for redundant buildings and taking account of **economic factors** may be important aspects.

The current systems of registering buildings and designating Conservation Areas provide a level of protection for our built heritage but some believe more could be done to better manage these important national assets.

Government is committed to

- Retaining the role of decision-making regarding the actual registration of buildings while seeking the support of other bodies – for example Manx National Heritage (MNH) to inform this process
- Undertaking a full heritage audit as resources allow
- Along with MNH, Government will endeavour to make information fully available online as a resource to assist owners and developers

What Government would like views on

We would like to hear your views on how we can improve the management and protection of our built heritage.

27 Do you think there should be the introduction of a ranked classification for buildings which recognises their varying importance and potential for change?

Please select only one item

Yes No

Please state your reasons.

28 Do you think that in the current economic climate the reintroduction of the Historic Buildings Grants should be a government priority?

The Historic Buildings Grant provides financial support for owners to maintain their properties.

Please select only one item

Yes No

Please state your reasons.

29 What are your views on the idea of transferring the research and subsequent recommendation of Registered Buildings and Conservation Areas to other bodies (for example MNH)?

Please select only one item

Yes No

Please state your reasons.

30 In recognition of limited resources, do you think that consideration should be given to focusing attention on fewer Conservation Areas to raise their quality and allow them to meet their social and economic potential?

Please select only one item

Yes No

Please state your reasons.

31 Is there anything else you would like to tell us regarding how best to protect and cherish our heritage while at the same time providing a more flexible environment that supports economic development?

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Where new development should go

General issue

We currently use a Spatial Strategy as a framework to guide and ensure the growth and expansion of existing towns and villages ahead of development in the countryside.

Our Spatial Strategy now typically directs new development to be in proportion to the size of our existing identified settlements.

Government is committed to the Area Plan for the East being prepared in line with the spatial strategy in the Isle of Man Strategic Plan 2016.

Should Government consider changing this in the long term?

Background and context

The existing spatial strategy aims to:

- optimise the use of our existing infrastructure
- make it easier to connect new infrastructure into existing services
- maintain the existing hierarchy of settlements across the Island as each town, village or group of houses grows relative to its size

Evidence of need for employment land determines where new development is located. This approach helps to ensure that opportunities for employment are provided in locations that will be developed.

Some believe that by allocating development evenly round the Island, this would encourage out of town development while others believe history indicates employment is created where the businesses want to be based.

What Government would like views on

We would like to hear your views on where development should go to best meet our social, economic and environmental needs.

32 In future plan making should new development continue to reflect a settlement hierarchy and spatial strategy similar to now?

For example the current strategy recognises that a higher proportion of new homes should be directed towards larger settlements higher up the settlement hierarchy (such as service centres) compared to settlements lower down (such as villages).

Please select only one item

Yes No

Please state your reasons.

33 Do you support the current land for employment approach?

Land for employment purposes is generally provided in line with the most up to date evidence on need and demand with opportunities provided at an appropriate scale to each settlement.

Please select only one item

Yes No

To what extent is there benefit in each settlement, despite its size or the available employment land evidence, in having the same share of the overall employment need figure?

34 Is there anything else you would like to tell us about how development is prioritised around the Island?

Rural development and protection

General issue

Our countryside is a valuable asset.

How do we continue to ensure its protection while allowing for some development?

Such development can be:

- tourism-related
- conversions
- replacement dwellings
- diversification and development in rural hamlets

Background and context

The Island has managed to carefully control how development has taken place and this has provided a relatively clear definition of built up areas and little developed countryside. Maintaining our high-quality landscape for current and future generations while allowing appropriate development is a fine balance.

There will always be pressure for development to take place in areas of countryside. Existing policies provide certain exceptions to the general presumption against development in areas that are not designated for development.

While our existing policies are protecting the countryside, it could be argued that some policies are not fully achieving the outcomes that they have been designed to and some adjustment may help to support communities in a way that does not significantly change the landscape.

Government is committed to

- Reviewing criteria for agricultural development to enable genuine rural businesses to develop and thrive whilst preventing unacceptable or unwarranted development

- Providing improved guidance in respect of what land in the countryside can be used for
- Re-evaluating what type of housing could be allowed in the countryside in principle and whether that need can be addressed through existing sites
- Establishing guidance regarding circumstances in which change of curtilage (extent of a plot) would be appropriate
- Using appropriate conditions to ensure that no development is allowed where curtilage is extended for amenity and garden use only
- Reviewing the current 50% maximum increase in size of replacement dwellings in the countryside to consider whether an approach based on site specific context would be more appropriate
- Continuing (through the Area Plan process) to consider whether more houses can be provided within existing groups of houses in the countryside to support communities

What Government would like views on

We would like to hear your views on how we should manage development in the countryside.

35 Do you agree that policies for new or replacement houses in the countryside should be revised to enable more unique, innovative and attractive properties, while retaining existing traditional, smaller-scale properties?

Please select only one item

Yes No

Please state your reasons.

36 Is there anything else you would like to tell us regarding development in the countryside?

Please provide comments and recommendations.

Economic development

General issue

- How can we better support the creation of new workplaces to help increase the economically active population?
- How can we support the tourism sector to meet its customers' demand for high quality accommodation?

Background and context

The Island's economy has grown over many years but a number of key sites within our town and villages are in need of redevelopment and have stood vacant for long periods of time.

Finding innovative and appropriate ways of securing development on these sites will be essential in supporting the economy and giving people a high-quality environment in which to live, work and visit.

Government can play a more active role in supporting and attracting economic development. However, it needs to do this in coordinated way.

For instance it could consider establishing a development agency or similar with powers to bring forward key sites for development and consider creating new economic development zones. These could have all key infrastructure provided including:

- telecoms infrastructure
- clear zoning by industry type
- Permitted Development Orders

This would enable differing sectors to invest with short lead in times and provide confidence on the eventual surrounding environment, value and appearance of their new investment.

Incentives such as rates and National Insurance contribution holidays and capital investment grants could also be considered.

Government is committed to

- Introducing appropriate planning guidance on the economy – which sets out the information and evidence required to be submitted to support applications which argue that there is an economic benefit which could outweigh other considerations
- Review policy on tourism development in both urban and rural situations – setting out the type and quality of development that could be considered favourably

What Government would like views on

We would like to hear your views on how previously developed and / or cleared sites can be brought back into use and any other ideas you may have on how the planning system can support economic development

37 Do you think Government should take on a more proactive role in securing economic development utilising its powers including compulsory purchase where appropriate?

For example with brownfield or key access sites

Please select only one item

Yes No

Please state your reasons.

38 Do you think that compulsory purchase powers should be simplified to enable compulsory purchase and possibly subsequent resale of land back into the market place at current market values?

Both to assemble multi-ownership sites and unlock sites which are over-valued

Please select only one item

Yes No

Please state your reasons.

39 Is there anything else you would like to tell us regarding how planning can further support economic development?

Brownfield sites

General issue

- How can we support and stimulate the development of existing brownfield sites?

Background and context

The term 'brownfield' site has become a way of describing land that has been developed previously but has become redundant for its original use.

On the Island the term used is **previously developed land**

Often, such sites are cleared to make way for new development but they can remain undeveloped for significant periods of time, sometimes with negative visual or social consequences.

There are a number of reasons that can cause such sites to remain undeveloped and Government is keen to find ways to encourage investment and development in our brownfield sites to support the economy and enhance the Island as a place to live and visit.

What Government would like views on

We would like to hear your views on how town centre sites can be brought back into use.

40 Do you think that the current rate discounts associated with empty buildings and brownfield sites should be removed or become time bound to encourage development of those assets?

Please select only one item

Yes No

Please state your reasons.

41 Do you think that cleared sites intended for future developments should not be allowed to be used for interim car parking to prevent income from parking fees reducing the urgency of long term site development?

If adopted, this approach would need to be accompanied by permanent solutions to ensure availability of appropriate parking within an area.

Please select only one item

Yes No

Please state your reasons.

42 Do you think that reducing the length of time that planning approval lasts for on certain sites would encourage approved developments to commence quickly so that their benefits are realised?

Please select only one item

Yes No

Please state your reasons.

43 Is there anything else you would like to suggest which could help stimulate re-development of brownfield sites?

Infrastructure provision

General issue

- How can new development better support the needs of the community?

Background and context

Infrastructure Levy

As the growing scope and complexity of development contributions grew in the UK, alternative means of delivery was considered and the **Community Infrastructure Levy (CIL)** was introduced.

This allowed local authorities to set a rate per dwelling or per square metre of commercial space.

The rate would depend on:

- location
- use
- size
- type of development.

Where CIL was adopted, other obligations were to be scaled back to address only the site specific issues required to make development acceptable in planning terms.

The benefit was intended to be a fairer, faster, more certain and transparent system of securing such contributions.

Such contributions could also be used on larger scale projects, for example, to develop infrastructure and install utilities for new multi-use economic developments, such as business parks.

A review of the UK's CIL was published in October 2016. The States of Jersey has just consulted on proposals to introduce a Jersey Infrastructure Levy.

Government is committed to

General Policy 4 of the Strategic Plan already expands upon the provision set out in Section 13 of the Act, and in paragraph 6.4.2 gives a commitment to preparing Supplementary Planning Guidance (SPG) specifying:

- the circumstances where the provision of facilities and contributions will be sought
- the manner in which they will be sought
- how these will be calculated

The Government intends to proceed with this work.

What Government would like views on

The Government would like your views on whether a CIL calculated per square metre of development should be sought for certain types of development.

This could be in addition to specific contributions sought in relation to the supplementary planning guidance above.

Section 13 Agreements

Governments have, over the years, introduced a range of measures to secure revenue from larger developments to ensure that the overall development is well balanced and meets the needs of the community.

The Isle of Man has the ability to secure developer contributions by way of Section 13 of the Town and Country Planning Act 1999.

This is typically only used to secure:

- affordable housing
- some highway improvements
- open space
- recreation facilities

Other jurisdictions use these powers more widely and effectively to secure a variety of community assets that may otherwise not be delivered.

Examples are:

- CCTV
- cycle facilities
- play equipment
- public art
- real time bus stop signs
- improvements to public amenity areas

Provision can either be:

- **direct** – provided directly by the developer)
or
- **secured** – provided through a financial contribution from the developer and delivered by the Government or Local Authority

The former is the best mechanism for smaller works as part of the same development site. The latter is a better mechanism for off-site provision.

Monies from a number of different development sites could be secured for larger schemes or projects, but this is not something that the Island currently does.

The Local Authorities in the UK that are most effective at securing community infrastructure are those that have prepared supplementary planning guidance in association with infrastructure providers.

This guidance aids decision-makers, informs developers and importantly delivers important infrastructure.

44 Do you agree that a Community Infrastructure Levy (CIL) should be introduced for larger developments?

Please select only one item

Yes No

Please state your reasons.

45 If so, do you think that the CIL should be in addition to existing Section 13 monies?

Please select only one item

Yes No

Please state your reasons.

46 Do you think that a fixed and proportionate CIL would provide greater certainty and clarity for developers in respect of what would be required of them?

Please select only one item

Yes No

Please state your reasons.

47 Do you think that the CIL should be applied to all types and sizes of development in all locations?

Please select only one item

Yes No

Please state your reasons.

Please state your reasons.

48 Do you think that exemptions from the CIL should apply to certain areas to incentivise development?

Please select only one item

Yes No

Please state your reasons.

49 What type of projects should the income generated by the CIL fund?

Please provide comments and recommendations.

50 Is there anything else you would like to tell us about how new developments could support the needs of the community?



Retail, leisure and entertainment destinations

General issue

The role of the Island's town centres is continuing to change.

Town centres should be vibrant, attractive places with leisure and entertainment uses, as well as shops.

We need to recognise the impact of internet shopping and ease of travelling to the UK to shop.

We want to ensure that people have what they want on Island while protecting and enhancing the social value that our town centres bring.

Background and context

Changing habits of how we shop and where we work is having an increasing impact on our town and village centres.

Internet shopping and the out of town relocation of offices impacts on the vitality and viability of our town centres. However, people still want town centres to be vibrant and to provide for shops, entertainment and leisure and Government policy seeks to do this by directing these uses to town centres

We want to ensure our town centres are attractive, diverse places where people want to live, visit and work.

We need to ensure that our town centres remain attractive to investors, businesses and residents as well as being flexible to appropriate change.

- Should we introduce greater flexibility of uses for town centre buildings' ground floors, to allow for changes of use between retail, restaurants, bars and other types of town centre use such as health and beauty uses, nail bars, tattoo parlours, betting shops, banks and estate agents?
- Should we enable and encourage flexible uses of upper floors to allow for change of use between office, residential, retail and so on without the need for

a planning application?

- What other measures could improve innovation and regeneration of town centres?

Government is committed to

- Retaining the current policies that direct retailing to existing centres pending a review led by Department of Economic Development to identify the vision for the future of retailing and town centres, taking account of known consumer trends and other key drivers.

Future policy direction relating to town centres and location of retail, leisure and entertainment opportunities will have regard to any such review and findings thereof.

What Government would like views on

The Government would like your views on how we can support the transition of town centres from being mainly retail areas to supporting a variety of shops, entertainment and leisure uses.

51 Should Government increase Permitted Development rights to allow greater flexibility for changes of use within town centres?

Please select only one item

Yes No

Please state your reasons.

52 What types of use would you like to see in town centres?

Please tick all of the types you would like to see.

Please select all that apply

- Health and beauty Leisure Office Residential
 Retail Other

If other, please state the type of use you want to see:

Please provide comments and recommendations.

53 What types of use would you not like to see in town centres?

Please tick all of the types you **wouldn't** like to see in town centres.

Please select all that apply

- Health and beauty Leisure Office Residential
 Retail Other

If other, please state the type of use you don't want to see:

Please provide comments and recommendations.

54 What else would you like to tell us regarding how to rejuvenate our town centres and make them fit for tomorrow's needs?

Final thoughts

55 Is there anything that we've missed?

Please tell us of any other ideas you have that might help to improve the Island's Planning System.

Please tell us your ideas

If you decide to complete your response on a paper version, please send your completed response to:

Review of Planning
Cabinet Office
Third Floor
Government Office
Bucks Road
Douglas
IM1 3PN

If you have questions regarding this consultation you can send them to reviewofplanning@gov.im