



Isle of Man

Natural History & Antiquarian Society

Planning Review Office
Cabinet Office, Government Office
Bucks Road, Douglas
Isle of Man IM1 3PN

Planning Review Consultation – IoMNHAS response

The Isle of Man Natural History and Antiquarian Society welcomes the opportunity to contribute to this Consultation.

Please find enclosed our detailed response to the Consultation.

The Isle of Man Natural History and Antiquarian Society has been in existence for over 130 years and is now the oldest society on the Island with a relevant special interest in natural and cultural heritage; it has a membership of over four hundred, derived from all walks of Island life, who share a passion for its many natural and historical assets. We therefore trust that our concerns will be accorded appropriate weight when the consultation is analysed.

The consultation process

We would just wish to place on record our disappointment that the nature of this Consultation has, as we have already conveyed, put some members of the Manx public off from responding. We are heartened though that the public meetings we have suggested may occur, even though they are after the closing date for the Consultation.

Dave Martin
President, Isle of Man Natural History and Antiquarian Society
8 Jan. 2018

Please reply to Secretary@manxantiquarians.com



Isle of Man Natural History & Antiquarian Society

Planning Review Consultation Response

General comments

1. A number of the problems this Consultation appears to be trying to address are not down to the current system, but the way in which it is operated and resourced. Lapses in this have brought the Island into disrepute. Operating the current system with proper resources and training, transparently, equitably, and without perceived political interference, would be a major step forward. A modified system, but with similar working practices, will be little, if any, better.
2. This Consultation, with the exception of questions 52-53, is principally a 'how do we get there' exercise. Before asking 'how do we get there', it is critical to decide where we're going. Only then can the routes be considered and progressed measured to see if it is taking us in the correct direction. Therefore, it is not surprising that this is a mixed and at time confusing Consultation. Further, focused consultations on specific issues, with supporting evidence where appropriate, are needed.
3. There is a need for a clear Vision which encapsulates the kind of built environment it envisages 20 years hence. This is critical to developing the Island's distinctive and superior quality of life, which is becoming an increasingly important selling point for the Island, in a context where our tax advantages have eroded and international hostility to offshore centres is escalating.
4. Linked to that, we need a definition and examples of the distinctive style of Manx architecture which the Government should encourage, reflecting our heritage and history and making us stand out from other places, rather than lapsing into yet another bland "Anywhereville".
5. Only 41% of the Manx public having confidence in the Planning System is a severe indictment. This does not necessarily require (much) new legislation. What is really needed is open, transparent, equitable and accountable operation of the planning systems to earn the trust of the Manx public.
6. The Planning system should be seen as giving sufficient weight to the concerns of ordinary people and local organizations. It needs to work hard to dispel the widespread (perhaps mistaken) view that the wealthy and powerful gain preference in a system that allows them endless appeals which most local individuals could not afford. "No" should mean "No".

Section 1 – Processes

Development plan process

General comments

Re “Investigating whether or not some procedures for plan making under Schedule 1 of the Act could be transferred from primary legislation to secondary legislation”

We are concerned of danger with reduced scrutiny inherent with secondary legislation, and without further details would oppose any dilution of scrutiny and transfer to secondary legislation.

Area Plans

Question 1 ✓ **Option A** – basically status quo, or
Option B – a potential alternative approach
Option C – neither option

We agree that Area Plans are critical, and they should not be removed or diluted.

Area plans provide the level of detail necessary and, once agreed, are key to providing certainty to all; and the whole plan should not change too often. Certainty is king!

However, we accept that on occasions, variation may need to be considered for a restricted area before the regular review of the whole area occurs.

We feel that adding an option to allow review of a sub-area, say no more frequently than three or five years, would allow possibility for interim evolution, by reviewing it as a mini area plan, following all the legally-safeguarded steps. This might be combined with the as-yet-undefined concept of a ‘master plan’ application or process (see Q25 below).

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

Plans should be based on genuine need and population figures.

Plans should include proper infrastructure assessments.

Creation of the Area Plans should be adequately resourced.

Once adopted by Tynwald, the Plans should not be varied or breached purely by pressure from developers – there is at least a perception that Plan can be dis-regarded if an applicant makes enough ‘fuss’.

Public engagement in planning policy development

General comments

Re: *“Government is committed to: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”*

We would support this – but it must not be just a “we’ve decided and” PR exercise, and where it is part of consulting with the public it should take heed of local feedback.

Furthermore, in accordance with the principles embodied in the Consultation Guidelines, feedback should be given to respondees and the Manx public at large.

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

Yes
 No

We would certainly encourage community engagement and creation of Community Plans, to be taken into account as an extra source when considering development in any particular area covered by such a plan.

However, the size of Island communities means that a complete set of Community Plans can never be achieved. Therefore, the introduction of Community Plans can only ever be as an extra source of information.

It is important that Community Plans cannot implement a veto on development, otherwise there is a risk of at least the perception of ‘NIMBYism’.

If an application is being considered in an area covered by a Community Plan, then there must be a duty to consider the impact vs. the plan and justify deviation from the plan.

Lack of a Community Plan for an area must not create presumption that there are no sites valued by the community, and lack of a plan must not dis-advantage an area.

Community Plans should be able to cover the whole environmental range, not solely built heritage and streetscapes.

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

Yes

No

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

Any piloting of such Community Plans should span a range of areas (urban, rural etc.).

There are a number of 'toolkits' for Area Character Assessments and they could possibly provide useful assistance in this regard.

Once any pilot Community Plans have been completed, Planning must show that they are valued and play a genuine role and were not just a sop – so a process and commitment to use them – even the pilot ones – is essential to build credibility.

IoMNHAS would be delighted to discuss this subject in more detail if it progresses.

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

Planning needs to build relationships and earn trust.

Public confidence can only be built by seeing proper procedures followed openly, equitably and accountably.

IF the public responds, there is a duty to explain why decisions have been taken. Not just on policy but on all decisions.

Planning application process

General comments

Re: *“Government is committed to:Allowing the Planning Committee, applicants and other parties to ask questions for clarity or of fact, during the Planning Committee meetings”*

We really SUPPORT this but process improvements needs to relate to ALL applications, not just those heard in front of the Planning Committee.

Re: *“Government is committed to:Providing additional guidance on what types of application there are, in particular what an ‘Approval in Principle’ means “*

There is a need to clarify and simplify the types of application, also the fee structure.

Re: *“Government is committed to:Speeding up publication and notifications of applications”*

To gain public confidence there need to be defined service levels and targets at all stages, and if a target won't be met, the parties should be preemptively notified and told why.

Question 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?

Yes

No

We are not aware of a specific problem, and the Consultation does not provide any evidence to support such a change, which might well only increase complexity. We fear this could lead to incremental applications, and the risk of exploitation, especially by well-resourced parties.

However, in a very restricted and controlled set of cases (e.g. internal alterations with no change of use etc.), we would cautiously support a streamlining in this respect with an appropriate process.

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

Key to a smooth and timely operation is a properly staffed, resourced and trained Planning team.

If an application is ‘stalled’ it is critical for public confidence that there is transparency as to why applications are stalled and by whom, and the likely length of any delay.

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

Yes

 No

Definitely No. ALL advice should be free and of good quality.

Good quality, timely, advice can significantly reduce problems when determining applications; and there is certainly scope for making advice more available, especially as Planning Policy Statements.

We have serious concerns about charging for advice, and would oppose this. Revenue certainly welcome, but we think charging could be a minefield – almost certainly in the public eye, if not also in practice, as in many cases this is more likely to be taken up in ‘difficult’ cases. Situation: a developer pays for advice; if the application is passed, there is scope for allegation that the developer ‘paid to get the permission’ or that there were conflicts of interest Planning vs. commercial, and the Planning Committee were pressed/obliged to approve the application. If the PC decline an application after paid advice which was ‘over-ruled’ by the PC, would the developer then take action against the planning team for faulty advice? Un-paid meetings, such as those surrounding some matters at Lorne House, have already demonstrated potential for at least perceived conflict of interest – establishing a contractual relationship before a planning application is determined is highly dangerous.

Planning and Building Control are Regulatory functions. We don’t believe any other regulatory authority ‘sells’ its services and then adjudges on the submissions, certainly not any undertaking on the scale which applies to Planning on the Island – one cannot imagine, say, Income Tax selling its services advising on how to best prepare a return, and then sitting in judgement on that return; or the Deemsters being retained to advise on preparation of a case and then sitting in judgement on it.

Selling such advice could bring a small financial reward, but the legal and administrative burden and cost of erecting Chinese walls to try and keep advisor and ‘judge’ separate would almost certainly swallow any financial benefit accrued; and then there is the inevitable discredit that such practices would bring on the Planning system – ‘justice must not only be done, it must be seen to be done’.

We agree that those who are to reap substantial benefit from a planning approval should contribute to the undoubted cost of processing such an application. There is already an element of two-stage tariff in the fees for Planning and a scale element in those for Building Control, and we would think it probably publicly uncontroversial if this was revised into an escalating or somewhat exponential tariff.

The goal is to rebuild public confidence in the Planning system – selling advice would be completely counter-productive.

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

In general, there should be NO extension of exemptions or Permitted Developments. We are concerned that some of the provisions of the Town & Country Planning (Permitted Development) order 2012 may be being exploited and would wish to see them reviewed.

However, DEMOLITION SHOULD be controlled in all circumstances. The current uncontrolled demolition of freestanding buildings should be controlled and publicly advertised (as we believe it is in UK); possibly with a lighter process than full planning, but some control and opportunity for intervention is definitely needed.

Question 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?

Yes

No

In general, there should be NO extension of Permitted Developments for Telecommunication purposes.

Whilst we would encourage 'site re-use', and/or addition of extra antennae to an existing communications mast, provided the spatial footprint (including height) does not increase; the public concerns over possible health issues mean we could not support any diminution of scrutiny in relation to such transmitting sites/equipment.

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

The current system with the number of possible application categories and associated fee structure is unhelpful.

Maybe need revamp of 'Approval in Principle', and there is possibly scope for using 'Approval in principle' as a filter stage for applications which 'contravene' zoning?

Planning appeals process

General comments

Re: *"The appeals process can take too long"*

and *"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"*

The statement regarding "...Encouraging more appeals to be dealt with in writing, so that decisions are faster..." is questionable, if the proper process is followed. In every appeal case, there is still a need for the Inspector to attend the Island and visit the site. Furthermore, whenever an Appeal is dealt with in writing, there are periods after submission of statements when replies are exchanged – so potentially can take longer!

Re: *"there is potentially too much opportunity for third parties to be involved which causes delay and uncertainty to applicants."*

Without there being any supporting evidence provided, we suspect this assertion is possibly based on Select Committee report, in particular whether an appeal can be initiated by someone who hasn't already lodged an objection. We would support that an appeal can only be lodged by a party who has submitted similar views when the application is first considered by the Planning Committee or delegated Officer.

We are, however, concerned at any move to extinguish third party rights on a wider basis.

Question 12 Should third party appeal rights be retained or removed?

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

Third party appeal rights are a long-established democratic right on the Isle of Man.

They should NOT be removed or reduced.

N.B. need to address currently anomalous situation – if a matter is considered by the Planning Committee, the PC can over-ride the Officer's recommendation on who is afforded Interested Party status. If our suggestion in response to Q21 below re process for delegated decisions is adopted, then this would give an opportunity to resolve this.

Question 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?

Yes – limit rights to only genuine and direct neighbours

No – do not restrict to specific third party groups

The options to tick do not match the wording of the question – the ‘Yes’ tickbox has a far tighter restriction (only ‘genuine and direct’ neighbours) rather than the question which suggests limiting to those with a ‘genuine and legitimate planning concern’.

Therefore:

1) We have answered ‘No’ as it must not be limited to just neighbours

2) Because of issues with the way this question has been posed, any ‘Yes’ answers must be verified by going back to each and every responder and asking them if they really meant to limit rights to neighbours – otherwise this question must be excluded from the Consultation results.

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

As per existing *material matters*; and, as per the Select Committee, interested party status should only be those third parties who submitted views / objection to the original application.

Question 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

Yes

No

The current system is that the party lodging the appeal can ask for a written determination, but if any party requests a hearing in person, then that is how it proceeds. What would happen under a two-tier tariff if the party lodging the appeal had only paid for a written determination but one or more of the other parties exercised their democratic right to request a hearing in person?

There is only a modest number of Appeals and this seems to be a case of ‘being seen to do something’ rather than a really meaningful change.

Question 16 How can the number of appeals be reduced?

Firstly, the simplest answer is to try and get more decisions 'right'!

Provision of ample pre-planning advice, PPSes, advice notes etc. will help applicants

Decisions taken by PC should be taken into account by Planning Officers when writing subsequent reports and especially when taking delegated decisions.

Secondly, re-introduction of the Review process would be a major step forward. There is a small improvement in procedure now at PC where clarification can be sought from applicants/objectors, but this is not – and should not be – a discussion. However, even the House of Keys has latterly seen the benefit of sitting 'as a committee' and re-introduction of the non-adversarial Review stage would be a significant improvement and potentially reduce the number of cases that go to Appeal.

How can appeals be dealt with more quickly?

We do not believe there is a significant issue in the time taken up until the Inspector makes their recommendation.

The process would be expedited, and improved, if the Inspector makes the decision, as in the UK, not a Minister. Once policy has been set, this should only be over-ridden on matters of strategic national importance. The Inspector is the professional expert. Any case which is of national strategic importance can be 'called in' by CoMin under TCPA 99 S 11(1)(a).

We would wish to highlight the following section from the Select Committee report, which was adopted by Tynwald:

109. We would suggest consideration is given to the final determination following appeal being made by the independent inspector, with a right of appeal to the Minister allowed in certain cases e.g. if the independent inspector had reversed the previous decision of the planning officer or planning committee or if some aspect of the application could be shown to have a national interest consideration, which exists but was not thought sufficient for it to be 'called in' by the Council of Ministers initially.

We hope that, especially as this has been adopted by Tynwald, that the determination of appeals will be treated as in the above report; and the sole reason it is not present in the Consultation is that the Government has already decided to adopt this approach.

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

This answer is deliberately left blank

Decision-making process

General comments

Re: *“Government is committed to ...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”*

Neglect of the statutory duty to appoint S40 committee to date should not be a reason to compound this by removing the duty.

We believe the TCPA S40 consultative body should be appointed (or the Advisory Council reprised).

Furthermore, the proposal in the Consultation to abolish the S40 committee obligation flies in the face of the then responsible Minister’s commitment to establish this body: Select Committee on Planning and Building Control – Petition for Redress of Grievance - PP 2016/0076 p10§3, and Recommendation 7 of that same Select Committee concerning utilization of that body.

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

Yes

No

This is the role and responsibility of Tynwald.

We do answer Yes, but only if fully subject to Tynwald scrutiny and approval, after proper public consultation.

At the Policy level, we need an agreed Vision & a Strategy for placing the Planning process within the bigger context of making the IOM an attractive and distinctive place to visit, live and work.

We would note this is, in part, already the role of the Island’s Strategic Plan.

Question 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?

Yes

No

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

Yes

No

No. It would be impractical to include Local Authority representatives on the Planning Committee without the PC becoming un-manageably large, as to be equitable it would require a representative from each authority – and how would you manage proportional influence?

Local authorities do provide a forum for the LA to capture public opinion and consider their position in their own public forum, which they can then relay to the Planning Committee. What IS key though is that representations from Local Authorities should at all times be given proper recognition and weight, when reports are written by Planning Officers and when decisions are made – whether delegated or by the Planning Committee.

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

When a case is to be considered by the Planning Committee, the Officer's report is available for scrutiny before consideration, and if necessary the Applicant, Objectors etc. can raise matters which they feel have been mis-interpreted, omitted etc. before the decision is taken.

When an application is processed solely at delegated Officer level (the vast majority), this opportunity is denied – one Officer drafts and another approves the decision, leaving only an Appeal, even if relevant information was not present or had been mis-interpreted by the reporting Officer / when the delegated decision was taken.

Public satisfaction would be improved if the process was improved so that the Officer's report is available and circulated (for a limited and defined time) before decisions are taken by the delegated route.

Section 2 – Policies

Design quality

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

It is essential that each and every application is considered against the impact on the environment and community from a Manx perspective, and furthermore from a regional perspective within the Island.

There is a very worrying trend for built works – buildings and infrastructure – to import a bland palette of inappropriate materials which can lead to importing the look of, say, Milton Keynes streets. Additionally, there are definite regional variations in materials used across the Island, with resultant architectural implications – this is a key aspect of the Manx built environment and its heritage, and needs to be actively monitored and safeguarded by Planning.

When drawing up guidance and the scrutinizing applications, there needs to be proper consideration of: scale and massing, the need to respect topography, siting and (inter)visibility, and the impact on the local community and landscape.

Care is needed when altering/extending traditional buildings (Registered or otherwise). The emphasis should be on sustainable re-use rather than obliterate and remove. Presumption should be that if a building is re-useable, it should be.

Traditionally if a farmhouse was outgrown, a new one would be built and the previous one used by, say, the eldest son, then in due course handed-down for use by livestock or for storage; and in this way Manx farmsteads have evolved and tell stories – and that is being ruined un-necessarily now. Whilst proliferation needs to be controlled, the misguided automatic requirement that any replacement building in the countryside should require demolition of its predecessor should be judged on a case-by-case basis, rather than requiring and enforcing blanket demolition.

Planners need to have the confidence (and support) to tell an architect/developer when something doesn't fit in – this applies to private and commercial developments – and government's own developments.

Whilst Building Regs are essential for public safety, they should not be able to over-ride Planning. If Planning say, for example, that a façade should be retained, but a developer can convince Building Control it is unsafe, it can, we believe just be flattened, even if Registered. If this type of situation arises where there is a conflict between Planning and Building Control, the matter should revert to Planning to decide to relax a condition or to insist on appropriate preservation measures.

Living and working environments

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

Yes

No

Rather than specific minimum size standards, this is more a question of holistic design – inside and out – for amenity, parking, circulation, play areas, etc. Actual room sizes etc. are for the market to determine - developers with rooms too small will have difficulty selling them. There is also a danger that bigger rooms will conflict with need for more low cost housing.

To avoid 'small space' developments being even more crowded, dingy etc. in future, any developments which are given approval which are marginal on space or amenity should be endorsed with possibly a new class of Condition that "This development can not be extended in future".

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

Yes

No

Any existing standards should be flexible and accommodate sustainable reuse especially of heritage buildings.

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

Yes

No

If an application is made for more than 'x' houses or to develop more than 'y' acres, a master plan could automatically be required and need to be approved before a full details application is considered. To avoid a developer bypassing the requirement by submitting smaller incremental applications below whatever limit might be set, the requirement might include a limit that if no master plan was submitted, no application for adjacent land by the same applicant / beneficial owner would be accepted within 'n' years.

It should also be open for the Planning authorities, or Planning Committee, to identify an area for which they felt a master plan was appropriate before considering any applications within that area.

Any such master-planning must not be at the cost of reducing attention elsewhere.

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

As well as habitability, they MUST respect setting – scale, heights, context, impact, visibility, streetscapes, horizon/skyline impact, appropriateness, avoiding urbanization of the countryside, etc.

Heritage

General comments

Re Built Heritage

The Building Registration process and system has been brought into disrepute by lack of progress and the apparent manipulation of the system.

Above all, Registration needs to be a properly defined, transparent and accountable process.

We most definitely welcome Government's commitment to this task and the recruitment of a qualified 'Building Registration Officer'.

In terms of issuing the decisions, we feel it could change the Registration process to operate more like the Listing process operated in the UK – decisions are immediate and un-appealable.

Re: Government is committed to "Retaining the role of decision-making regarding the actual registration of buildings"

We feel that the decision-making should be outwith Planning, and ideally outwith executive Government. In this respect, we would refer to the CoMin report "A High Level Strategic Review of Planning in the Isle of Man" GD2016/0048, in particular the first 'Key message' in section 6 where it is agreed necessary to "Depoliticise the planning application process"

Whilst a 'Registration Board' would need to be appointed by Tynwald (as for example in the manner of the Board of Trustees for the Manx Museum and National Trust) if it was a non-political board it would remove the perception that Registration decisions might be made or influenced by political motives, rather than, as they should be properly, on the merits of the case.

Re 'Other' Heritage

Re: "Government is committed to "Undertaking a full heritage audit as resources allow"

This sounds interesting but without further detail on what it might contain, how it might be gathered, and crucially what role it will play, we don't feel able to comment or particularly support this yet.

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

Yes



No

Generally No.

The number of Buildings on the Isle of Man's Protected Buildings Register makes the subject of tiered grading (as in the UK) difficult. Whilst there may be a few buildings which are outstanding on an international level or in relation to those in adjacent islands, the real comparators are those on the Island. Buildings should be assessed in relation to their Manx importance, the Manx stock of similar buildings, etc.

Whilst we do not believe there is scope for introducing the panoply of gradings found in, for example, Listed buildings in England, we do believe there is maybe scope for introducing a 'lite' class of Registration on the Island which suspends Permitted Development rights for a site – almost a single building/site Conservation Area?

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

Yes



No

Support can take many forms, not just grants. Re-starting grants would of course be welcomed, but should not, in the specific words of the question, be a priority.

Principal support is a supply of qualified, free advice.

Other methods of support – not for just Registered or heritage properties – include looking at tax breaks etc. – thus encouraging sustainable re-use and evolution of the built stock of the Island.

Attitudes to, and treatment of, our built heritage need to acknowledge its economic importance to the Island.

Question 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)?

Yes

No

We would support any non-exclusive research which advances Registration, but it cannot be down to any one body to decide if a recommendation should or should not be submitted.

Construction of Registration cases is a definite opportunity to involve volunteers, and re-engage the alienated voluntary sector.

Question 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?

Yes

No

Definitely No.

There should be no reduction in numbers of, or treatment of, Conservation areas – to the contrary, those already proposed (for example in area plans) but not implemented should be so as a matter of urgency – this has minimal cost for Government.

Consideration should also be given to including key land around Conservation Areas where it is critical to avoid the context of the Conservation Area being changed without seeking prior permission.

Question 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?**

We would firstly seek evidence for the “providing a more flexible environment that supports economic development” which implies that Planning, and heritage considerations in particular, are an impediment to economic development. As no evidence has been adduced to support this, we would dispute this.

Nevertheless, in terms of “how best to protect and cherish our heritage”:

Built heritage

Starting with our built heritage or Registered Buildings:

Planning needs to recognise the potential value of all buildings and their features, not just the tiny fraction that are Registered.

The move to appoint a Registration Officer is most welcome, but this does not remove the need for a full time Conservation officer and supporting team where necessary, properly resourced and supported.

Frontages of buildings redolent of our history of self government, seafaring, farming, fishing and mass market tourism should be retained, as now seems customary in many countries, and the additional costs borne by developers as the price worth paying for retaining our heritage, national pride and collective memory.

Attention is needed to progressing Conservation Areas, including those stalled despite their recommendation in, for example, the Southern Area Plan adopted by Tynwald. Progressing such Conservation Areas should not be particularly burdensome or costly for Government, and can quickly bring a welcome and needed extra level of protection and scrutiny.

Non-built heritage

Much of this section of the Consultation understandably focuses on built heritage, but Planning has a vital role in protecting other aspects of our heritage as well – the overall environment and that buried beneath the soil, known or otherwise.

There have been several cases where archaeological investigations have indeed taken place as a result of planning conditions or to support an application, such as Ronaldsway RESA, some areas at the Nunnery, and in relation to the current Castletown Golf Links proposal; but these are dependent on explicit intervention and are pretty much the exception. There have been scandalous exceptions where large swathes of the Island have been denuded for development such as pipeline corridors, housing estates etc. and there has no automatic mechanism or probably even thought about archaeology.

The Island sorely misses the default protection from the likes of the former PPG16 in the UK, and there is much in the current UK PPS5 which could beneficially be brought into a Manx context.

Such measures would have negligible cost to Planning and would bring great benefit to the Island, and we would ask that such measures be brought into the Manx planning system.

Where new development should go

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

Yes

No

Generally Yes, but it is important to avoid sprawl – historically there has been too much ribbon development.

Unlike most UK towns, the Island has few village greens or town centres (Castletown is an exception) – it is very important to encourage more thriving town centres as retail and community hubs. Castletown & Port St Mary are struggling as retail centres, and need more critical mass. Out of town development should be contained in order to bring new life into existing towns and villages.

A rigid formulaic approach to distribution is inappropriate – it should reflect topography, sense of place, etc.; and crucially it needs to reflect genuine population information.

Question 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.

Yes

No

“... appropriate scale to each settlement” – decided by whom?

This approach is too formulaic. It needs to respond to the market, opportunities, type of employment, etc.

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

Money shouldn't talk, neither should threats.

Whilst 'land-banking' by local authorities and the Government for social housing is acceptable, ideally we would seek measures to prevent land-banking by commercial developers.

We believe that empty sites with permission to build should become rateable immediately.

Rural development and protection

General comments

Re: *“Government is committed toEstablishing guidance regarding circumstances in which change of curtilage (extent of a plot) would be appropriate”*

We would support improved guidance on this subject, however any Curtilage changes should still be subject to due process (application, advertisement, determination etc.)

Re: *“Government is committed toReviewing 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”*

We would be interested to hear proposals on this, but in any case where percentage calculations are used, all floors need to count (basement, attic etc.)

Re: *“Government is committed toContinuing (through the Area Plan process) to consider whether more houses can be provided within existing groups of houses in the countryside to support communities”*

We would certainly support this.

Question 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?

Yes

 **No**

Generally NO, especially as the implication from the question is that they might be larger properties. Innovative design which fits in with existing properties and does not destroy existing community character, and is of a suitable scale, should not be precluded.

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

Need to prevent sprawl, ribbon development and urbanisation

Planning needs to take account of the impact on landscape, (inter)visibility, community etc.

We have serious concerns over inappropriate large ‘mansions’, floodlit drives, etc. which can affect whole communities and landscapes.

Economic development

General comments

There is an implied underlying assertion that Planning is stymying or delaying Economic Development. We robustly query and would seek evidence to support this.

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

Yes

No

Generally, no.

Yes ONLY FOR : (i) Remediation of Brownfield sites, or (ii) Government projects.

Absolutely NOT for private or commercial projects.

Question 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?

Yes

No

Generally No – this is interference in the market, and any such subsequent vendor/developer would be in a better situation than those who bought on the open market.

We would support exceptional and targeted compulsory purchase and resale only in highly specific cases, such as the purchase of land and then resale as serviced plots for local first-time buyers to self-build (as was the case, without compulsory purchase, at Ballalough in Andreas).

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

We robustly query and would seek evidence to support the underlying assertion that Planning is stymying or delaying Economic Development.

It may well be that a particular developer finds Planning a hindrance when trying make a profit from a new development, especially if it is on a greenfield site – however proper scrutiny is always essential.

There is a fundamental difference between a single developer's commercial interests, and the very rare case where something is in the National Interest.

As per our response to Q1, we do agree flexibility to bring forward a review of part of an Area plan in the national interest, but that should be subject full and proper process.

Brownfield sites

Question 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?

Yes

No

Rate discounts should be time-bound and then removed, escalating thereafter.

Empty sites with permission to build should become rateable immediately

Also, we would query if a building is merely "empty" that it attracts discounted rates?

Question 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?

Yes

No

Need to encourage development of adequate purpose-built parking.

However if such use is allowed then it should be for a strictly limited time (e.g. max 2 years?)

Question 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?

Yes

No

Yes, also see escalating rates (Q40 response)

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

Financial encouragement, including far-higher CIL on Greenfield sites (see Q48 response).

Infrastructure provision

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

Yes
 No

But not necessarily just for 'larger' developments – should be default for any new build?

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

Yes
 No

Yes, to cover impact on the wider community; also to cover costs (infrastructure e.g. sewage etc.)

Question 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?

Yes
 No

No to "fixed and proportionate" – depends on impact, so needs flexible rate or scale

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

Yes
 No

Again – depends on impact

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

Yes
 No

Only for, say, Brownfield sites

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

This answer is deliberately left blank

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

This answer is deliberately left blank

Retail, leisure and entertainment destinations

General comments

Re: *“Town centres should be vibrant, attractive places with leisure and entertainment uses, as well as shops.”*

We feel this should also say that we don’t want to lose existing residential use within townscapes especially the centres.

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

- ✓ Yes
- No

Maintaining vibrant town centres is key, so Yes to change of business or retail within town centre premises; making use of ‘Use classes’ - BUT any change to/from residential on ground floor must still be subject to the full planning process.

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

- ✓ Health and beauty
- ✓ Leisure
- ✓ Office
- ✓ Residential – **but see below**
- ✓ Retail
- Other

All of above, but Residential on ground floor only where that is already part of an area’s character.

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

- Health and beauty
- Leisure
- Office
- Residential
- Retail
- ✓ Other

We are concerned over the impact of Non-food sales by town centre supermarkets.

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

Much of the recent 'regeneration' has ignored the wishes of local residents, and homogenised or damaged the character of individual townscapes. This must not be allowed to happen again.

Question 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.

We would re-iterate our opening remarks that, far more important than the changing 'the system' is that it must be operated with proper resources and training, transparently, equitably, and without perceived political interference. A modified system, but with similar working practices, will be little, if any, better than the current situation.