



Isle of Man
Government

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Consultation Summary

Town and Country Planning Act Amendments, Definition of Development Order & Registered Building Regulations

June 2024

Department of Environment, Food and Agriculture

Planning and Building Control Directorate Murray House

Town and Country Planning (Amendment) Bill - Consultation Results

We Asked - As part of the [Built Environment Reform Programme](#) and to facilitate the Department of Environment, Food and Agriculture's (DEFA) core functions (Registered Buildings) changes are proposed to the Town and Country Planning Act 1999 ("The Planning Act"). The changes will:

- provide clarity around the definition of development which will mean better understanding for building owners on what can and can't be done without planning approval (these changes, together with planned secondary legislation, will provide an opportunity to ensure very minor works can be excluded from needing approval);
- remove the requirement for concurrent planning and registered building applications for the demolition of unregistered buildings in Conservation Areas which will streamline the administration of the planning process both for applicants and the Department;
- ensure routine maintenance works to roads and watercourses do not require planning approval;
- introduce enabling powers for the potential introduction of fees (through secondary legislation) in relation to discretionary services, such as the provision of pre-application advice;
- clarify the scope of Registrations for historic buildings to allow these to be amended and to allow for exclusions (having clearer and more targeted controls will remove unnecessary restrictions for owners of such buildings on making some types of changes) and make changes to the appeals process to simplify and streamline it; and
- improve and future proof the provisions for Permitted Development Orders

Public Consultation ran from 04.08.23 to 27.10.23. The consultation was via the consultation hub and Publicity included: E-mails to MHKs/MLCs, Government Departments, Local Authorities and the Planning User Group Distribution List and circulation within Construction IOM; and a press release.

You Said – There were 36 responses to the survey (given Data Protection respondents were not required to provide details).

We Did - This report is a summary of the responses and the issues they raise. Responses to each question and general points raised are set out in appendix 1. Appendix 2 contains some of the more detailed/technical comments and responses to these.

Appendix 1 – Overall Consultation Results

Question 1: Do you think the policy intentions described are appropriate?

33 responses – 17 Yes and 16 No. 29 gave reasons and points raised include:

- Appropriate to be able to differentiate between original and newer extensions to historic buildings in registration
- Prior Approval needs careful implementation
- Concerns about public/community based interests being weakened.
- Concerns around restrictions for homeowners (some of these comments seemed to misunderstand proposals in terms of interplay between Act and proposed Definition of Development Order)
- Concerns over reduced protection for historic environment
- Confusion on extension of time for CTA and 4 years for applications
- Conservation Areas don't work as many existing ones are run down
- Don't understand proposals
- Fees should apply to larger not smaller developments
- More Protection & Replacement of Trees
- Object to more fees
- Repainting and repairs not currently development so why the change - definition is robust enough already
- Should be 5 year review for RB changes to see if working as intended
- Support ability to amend RB entries
- Support changes re: demolition
- Supportive, but better explanation for the layperson required
- Whatever applies to public should apply to government
- Will it apply to specific areas within area plans (comment doesn't clarify which bit)
- Concerns that Bill is premature ahead of the Tynwald Select Committee Heritage Recommendations being debated

Question 2: Do you think the proposed amendments set out in the draft Bill will achieve the policy intentions set out above?

33 responses – 18 Yes and 15 No. 20 gave reasons and points raised include:

- Changes are too small scale
- Concerns about impacts of fees on those with lower incomes
- Concerns around bureaucracy
- Concerns around detail of prior approvals (too wide)
- Concerns around loopholes for developers
- Concerns around staff attitudes
- Don't understand proposals
- More Protection & Replacement of Trees
- Need to see secondary legislation to comment
- Registration should not be done by DEFA and if it is should be an Inspector's decision not a Ministers

Question 3: Do you think the transitional provisions are adequate?

32 responses – 17 Yes and 15 No. 25 gave reasons and points raised include:

- Allow current and approved applications to be filtered out
- Concerns about historic structures outside Conservation Areas
- Concerns about how enforcement is operated
- Concerns around delays in commencing development and buildings being allowed to fall into disrepair
- Concerns around time a site is empty post demolition and pre-redevelopment
- Hardstandings should be controlled in the interests of biodiversity
- Need to see secondary legislation to comment
- Should be completion deadlines (N.B. not clear if this is about development or legislation)
- Transitionals need to consider existing permitted development and also Registered Buildings

Question 4: Do you think the proposed approach and scope of the Definitions of Development Order is appropriate?

30 responses – 19 Yes and 11 No. 23 gave reasons and points raised include:

- Any changes to Registrations should follow a transparent process.
- Clarification of wheeled structures is helpful
- Concern about greenfield/out of town development
- Concern that there is currently insufficient protection for heritage
- Concerns about loss of scrutiny
- Concerns around painting and repairs becoming development
- Concerns over impacts of hard surfacing gardens and loss of biodiversity
- Confusion over proposals for RB consent and demolitions
- How does demolition work in an emergency?
- How will demolition of small agricultural buildings (which may be in clusters or attached) be controlled?
- Increase Permitted Development
- Increased hardstandings can impact on drainage
- More detail on chimneys - especially pots/cowls required
- Painting - not clear what is to be controlled or why
- Registrations should have a red line boundary,
- Should not be RB exclusions for who categories (e.g. ecclesiastical or DOI owned)
- Who makes decisions for Registrations and what is role of MNH and interest groups?

Question 5: Do you have any detailed suggestions for matters to be included/addressed?

23 responses including:

- Boreholes should be regulated
- Concern with staff attitudes
- Detailed comments on improvements wording made
- Fees for Prior Approvals?

- Fees should be modest to encourage keeping appointments but not to discourage people seeking advice
- Increase Permitted Development
- Paving front gardens should not be PD - habitat/greenspace more important than parking (on balance)
- Prior approval uses conditions to deal with issues that should be assessed before deciding if approval is given
- Proposals should not over-ride PDO on Utilities legislation
- Should allow for attaching completion conditions/timescales to planning approvals
- Should be more robust protection for heritage
- Simpler Language and Less Grey Areas
- Less bureaucracy
- Painting should not be controlled
- Prevent unsuitable new buildings
- Prior approval erodes 3rd party appeals

Question 6: Do you think the proposed approach and scope of the updated Registered Buildings Regulations is appropriate?

30 responses – 16 Yes and 14 No. 22 gave reasons and points raised include:

- Building Control should not be allowed to over-ride Planning Protections
- Building Owner should be consulted on any entries to or changes to the register
- Concern about where alteration/demolition occurs during construction
- Concern registration of buildings leads to dereliction
- Concerns over increases in regulation
- Costs of protecting historic buildings unclear
- Grading scheme for registered buildings
- Many important buildings not on the register so changes won't change that.
- More clarity on what works can be done to a Registered Building is needed
- More detail on IPS review required
- No building is worth being registered
- Owners who deliberately let buildings deteriorate should be prosecuted
- Registered Building Status and Protection is important
- Should not be RB exclusions for who categories (e.g. ecclesiastical or DOI owned)
- Who makes decisions for Registrations and what is role of MNH and interest groups?

Question 7: Do you have any detailed suggestions for matters to be included/addressed?

There were 23 responses and points raised included:

- Allow uPVC windows on Registered Buildings as per other places
- Concern that allowing some features of RBs to be removed could cause issues with owners who are not familiar with local history
- Concerns around housing target
- Concerns around immigration

- Concerns that expanding definition of development could slow down planning process/increase bureaucracy
- Control of painting should extend to render etc.
- Don't register buildings that are fit for demolition
- Grading scheme for registered buildings
- Impacts on trees and a need for planning applications for highway works
- Painting should not be controlled
- Reduce the scope of the definition of development
- Review of IPS should make it available to interest groups
- Should be more registration
- Skills/trades for historic building work is hard to find
- Strengthen Strategic Plan Policies on Biodiversity
- Suggest repealing all legislation and starting again
- Use bonds to ensure development is started and completed

Appendix 2 – Detailed Consultation Results

Section	Detailed Comment	Response	Change
Definition of Development	Moveable Structure should not be all vehicles - should focus on prohibiting commercial/trading operations from vans/trailers, prohibiting commercial vehicles/ trailers being kept on land that is not approved for that use and limiting number/type of vehicles that can be stored	Moveable structure does not include cars, vans and lorries etc.. Had suggested, "The definition of "moveable structures" includes (but is not limited to) caravans, motorhomes, mobile homes, marquees, welfare units/site offices and containers unless due to their size, permanence and/or physical attachment they constitute a building" and drafted advised 15.05.23 that, "Moveable structures does not need a definition. It carries it ordinary/natural meaning. I note that the UK does not define the term. Furthermore, the Island has not defined it in any legislation where that phrase is used".	No
Definition of Development	"Temporary" should be defined as a period of time (more than x number of weeks or months) before it is classed as a development.	There is no time limit for changes of use to start counting as development (although there is always the de minimis argument). Provision could be made in the DDO although as noted in the consultation document, "It is not proposed to include any exemptions to this within the Definition of Development Order, and it is noted that several of the existing provisions for Permitted Development - for example the Town and Country Planning (Permitted Development) (Temporary Use or Development) Order 2015 – may allow such structures".	No
Definition of Development	Should also include temporary hoardings and scaffolding. Time limits should also be applied to stop hoardings and scaffolding being left in perpetuity.	Planning does not require the completion of development or control how long building works take place for. It is not considered that these are matters for the planning system to control	No
Definition of Development	Hardstanding of domestic gardens should be based upon a maximum defined size/area before it is considered development if it is outside of a conservation area. Existing hardstanding replacement with similar hardstanding of the same size and permeability should not be considered development if outside of a conservation area. All hardstanding work within a conservation area should be classed as development. All hardstanding replacement should not impact permeability.	Comments noted - detail proposed in DDO could control these points and will be consulted on separately, but comments are helpful in progressing that.	No change to TCPA, consider matters within subsequent DDO.

Section	Detailed Comment	Response	Change
Definition of Development	Repairs to buildings - needs to be defined as this is too broad and could lead to significant increases in planning workload and act as a disincentive for people improving and maintaining their properties.	It is not considered that this needs defining, as noted in the consultation document, "Whilst it is proposed to clarify that repairs and rebuilding works are development, this would still be subject to the caveat at S6(3) that, "The following operations shall not be taken for the purposes of this Act to involve development — (a) the carrying out for the maintenance, improvement or other alteration of any building of works which — (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building; and are not works for the alteration of a building by providing additional space in it underground..." Therefore repairs which did not alter the external appearance would still not be development.	No
Definition of Development	Repairs and rebuilding works re chimneys - do you mean chimney stacks and / or chimney pots. The removal of the external part of a stack and replacement by a false chimney is likely to result in traditional buildings with false chimneys of different proportions / shape. The removal of pots can be non-beneficial to appearance particularly in Conservation Areas. Frequently pots or cowls perhaps 2ft tall (600mm) are being replaced by flue vents which are less than a quarter of the height and look totally at odds on top of a traditional stack. Rather than avoiding a grey area, you are creating another one unless this is clarified.	Agree that the definition of chimney and whether or not this includes pots or cowls should be clarified in the DDO.	No Change to Act, but clarify proposals for DDO.
Definition of Development	Painting should not be controlled and could discourage maintenance, although potential exception in Conservation Areas.	Agree, there is a missing "Not" in the proposal for DDO. To clarify, it is proposed to make painting of buildings development as defined in the Act and then through secondary legislation to exclude all painting from the definition of development as long as it is not an advert/announcement/direction and as long as it does not involve the application of paint to a building which is in a Conservation Area and hasn't previously been painted.	No Change to Act, but clarify proposals for DDO.
Definition of Development	Painting - what is trying to be controlled? Are you saying painting for purpose of advertisement is acceptable in all cases; are you saying that you only control painting where a building has been previously painted? Because that is how it reads and it doesn't make sense. Surely a building in a Conservation Area that has been previously painted will not need planning consent to be repainted (unless somewhere along the line, as per Loch Promenade, a particular colour is specified? Use of double	In terms of adverts it should be noted that S.22(7) of the Act states, "Where the display of an advertisement in accordance with regulations under this section involves	

Section	Detailed Comment	Response	Change
	negatives in all these explanatory statements does not make understanding clearer.	development of land, planning approval for that development shall be deemed to be granted by virtue of this subsection". Therefore in practical terms the painting of adverts on building would be controlled under the Advertisement Regulations.	
Definition of Development	We comment that "maintenance" in this case should be defined as operations on existing infrastructure and existing natural watercourse topography that do not materially alter the watercourse or existing infrastructure excluding scheduled dredging. Only works to materially change existing infrastructure, build new infrastructure or materially change the natural watercourse topography should be considered development.	Agree – proposals are, (ac) the carrying out on land within the boundaries of a watercourse of any works exclusively required for its maintenance: "watercourse" means a watercourse within the meaning of the Flood Risk Management Act 2013; (aa) the carrying out on land within the boundaries of a highway of any works exclusively required for its maintenance: "highway" means a highway maintainable at public expense for the purposes of the Highways Act 1986;	No
Definition of Development	Demolitions - Many traditional agricultural buildings may individually be under 50 cu metres and may be attached to another of similar small dimensions etc. Is it intended that they be counted as individual buildings and thus one could end up with a whole row of agricultural buildings being demolished or will the fact that they are conjoined still take precedence. Regretfully while the intention may be good I can only see a lot of non-domestic buildings disappearing especially when they are not visible from a highway.	The Act currently indicates that development includes, "the demolition of a building which is attached to another building, where the other building is not also demolished; and ... the demolition of part of a building, where the rest of the building is not also demolished". The PDO currently provides that the partial demolition of buildings is given permitted development subject to conditions and this is not proposed to be changed. So this means that planning applications are currently required only for the partial demolition of buildings which fail the tests in the PDO (i.e. are publically visible) or the complete demolition of a building which is attached to another building which is not also to be demolished. The changes to the Act will mean that the full or partial demolition of a building whether attached or not is development. The DDO proposes that the demolition of smaller buildings (whether attached or not and, if attached,	No Change to Act, but clarify proposals for DDO.

Section	Detailed Comment	Response	Change
		<p>irrespective of whether the attached building is to also be demolished) does not constitute development.</p> <p>So yes, assuming the PDO remains unchanged this will mean that the case is unchanged in that smaller detached agricultural buildings could be demolished without control, but it is considered important to have a proportionate level of control and what will change is that larger detached agricultural buildings can no longer be demolished without planning approval.</p> <p>However the response identifies that there is also a potential loophole in that the proposals would mean that smaller attached buildings could now be demolished whereas this was not previously the case unless the building to which they were attached is also demolished. And of course the situation remains that the demolition of smaller attached buildings where the building to which they are attached is also to be demolished would not be controlled.</p> <p>Therefore when the DDO is drafted this could be amended to refer to: <u>detached</u> buildings which are under 50 cubic metres and/or attached buildings where all of the buildings are to be demolished and are in total under 50 cubic metres.</p> <p>Thus the demolition of numerous attached smaller buildings may then be development and the demolition of an attached building where the building to which it is attached is not to be demolished would remain development.</p>	
Definition of Development	How does control of demolition in the planning process relate to "Emergency" applications to demolish a building. Who is responsible for checking that an emergency is an emergency, who gives the "go-ahead" Health and Safety and / or Building Control? The lack of control on such areas has resulted in the	There is no provision within planning legislation for emergency demolitions, however enforcement action is discretionary and so if it can be demonstrated that the demolition was an emergency then the option exists to not take enforcement action. This process also means that	No

Section	Detailed Comment	Response	Change
	loss of many if not most of the lesser known individual industrial structures on the Laxey Valley Heritage Trail with no enforcement action being taken, albeit requested. How many more structures are going to be lost to the Emergency procedure – whatever that is?	the decision on whether or not to enforce can also be informed by what further/replacement/repair works might be proposed (which may be the subject of an application and so allows for such an application to be determined before a final decision on enforcement is made).	
Registered Buildings Provisions	45 Interpretation (4) – for the purposes of this Act, a building shall be treated as including any object or structure - We comment that “object” could mean absolutely anything. Does it mean anything or does it require any definition?	The section goes on to say that it must be either, “fixed to the building (or) not fixed to the building but within its curtilage, and which forms part of the land and has done so since before 1 January 1983”	No
Other Matters	Question 5 – do you have any detailed suggestions for matters to be included/addressed? - We comment that consideration should be given to placing a condition on all planning approvals for the completion of the development within so many years from the date of planning approval or from the recorded date of commencement of works. This should be in addition to the time limitation on commencement of works from the planning approval date.	Conditions which require the completion of developments are very problematic to enforce and are not proposed as part of these changes	No
	Registered Buildings The consultation is silent on the question of who would actually take the initial decision to Register a building ie who is meant by the Department – the Minister, as at present, or a Planning or Registered Building Officer or the Planning Committee. Ultimately unless the responsibility for registration is removed to a body (with sufficient resources) who has a recognised technical ability to identify architecturally and historic buildings it will always remain a bone of contention that decisions are being made by lay people	There is no proposal to change the power for registration to sit with the Department (DEFA) which in practice means the Minister unless it is delegated. This is the same as for other planning decisions, although noting that such decisions are made with professional input from officers (and in some cases Inspectors).	No
	If this is to be in any way mitigated, it should be a requirement in the Regulations that, in addition to Manx National Heritage who do not have the resources in terms of time or personnel, knowledgeable societies such as Isle of Man Natural History and Antiquarian Society, Isle of Man Victorian Society, Save Man’s Heritage, Isle of Man Arts Council should have to be automatically consulted on matters relating to registration, amendments or removals to the Register prior to	Where there is a requirement to public consultation, the input from interest groups is very welcomed as they may have access to information/knowledge that is relevant. MNH as the relevant statutory body has the right for 3 rd party appeals. The detail of this process will be included in updated RB Regs which will be consulted on in due course.	No

Section	Detailed Comment	Response	Change
	recommendations being made and not left, as statutorily at present, having to respond by making representations to Proposed Registrations or applications to deregister and then not having the right to appeal the decision.	The revised Schedule 2 fo the TCPA states, <i>"Before entering any building in the register, or amending the register by removing a building from it or otherwise amending an entry in respect of a building, the Department shall consult such persons or bodies of persons as appear to it appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest"</i> .	
	It is assumed that Amendment C1 Step 4 should actually refer to refuses that "Registration", not "application", and then refers to the ability of local Authorities or MNH to appeal that decision.	The proposal is that if the owner is unhappy with a decision to register, they can appeal that decision without first needing to submit an application to de-register. But that if that appeal is unsuccessful, an application to de-register cannot then be made.	No
	Comments made in relation to the planning application numbering system	Noted - outside scope of the legislation	No
	It should also be made clear that Exclusions will not be applied to particular categories of buildings as a whole eg ecclesiastical buildings, DOI owned property, structures that are also Ancient Monuments, only to parts of buildings or structures within the curtilage of a Registered Building.	The changes to the legislation are to allow exclusions of elements of a particular site (e.g. a modern outbuilding in the curtilage of a historic building).	No
	Development Orders. Approach to revision of definition of development is unnecessarily complex	Noted – drafting has tried to keep it as simple as possible, but the subject matter is complex.	No
	Proposed 8 (3A) is unnecessary; it could easily be incorporated as "8 (2) (c) both or either within a specified locality [as denoted on attached plan]" That way it would reflect the criteria of proposed 8 (4B).	Advice from AGC is that this enabling provision at 8(3A) is required. Having it as a stand-alone insert is considered o make it clear what the power is.	No
	Proposed 8 [4A] all sounds as if Permitted development with attached conditions of prior approval is going to go ahead which is totally wrong in the absence of any specified lists of types of development it is to proposed to be used with.	8(4) allows for conditions to be applied to PD. 8(4A) allows specific powers to attach certain types of conditions but without confining the generality of 8(4). The lists of what development may be given prior approval would be a matter for secondary legislation as this section of the act is only about enabling powers.	No
	Proposed 8 [4A]	Currently states:	Amend Act

Section	Detailed Comment	Response	Change
	<p>(a) Should include "including the historical character and appearance of the townscape and landscape"</p> <p>(b) Should include after archaeological features "both above and below ground"</p> <p>(c) Is a moveable feast; surely you can only give prior approval to known factors such as car parking so, if used, shouldn't it read "onto or off" of "entering and exiting" + "the adjacent" public highway, not "on public highways".</p>	<p>"(a) the character and appearance of an area; (b) historical, architectural, traditional artistic or archaeological features of any building within the development; (c) the local environment or local amenity; (d) road safety and the flow of traffic on public highways; (e) public safety or convenience"</p> <p>It is considered that the first two points are already sufficiently covered. In relation to the last point propose to amend part (d) to read, "road safety and the flow of traffic on public highways and traffic entering or exiting public highways"</p>	
	<p>8(5) is really the reverse of 2 (a), (b) and (c) and should be deleted. What may be allowed as opposed to what won't be is the way to "encourage" development if that is what is intended.</p>	<p>This is an existing provision and applies to all PD. So for example there could be an island wide provision that is then considered to not be appropriate in a particular area and so this provision means the whole PD would not need to be revoked.</p>	<p>No change</p>
	<p>Transitionals Prior to the implementation of the Bill the provisions will assist with the following:</p> <ul style="list-style-type: none"> • No period where historical buildings could be demolished; • Properties from being demolished and sites left undeveloped for extended periods of time; <p>Reduce the need for unnecessary planning applications; Bringing the Area Plan for the East in line with the other area plans.</p>	<p>Noted</p>	<p>No change</p>
	<p>We need to protect aviation security and safety in any planning process</p> <p>We need to protect the Airports PDO as well as maybe increasing its powers if possible</p> <p>The airport needs to be inserted into the planning process (or given vetos for wildlife, surveillance, safety and security)</p>	<p>It is not clear what is being proposed. Airport security is capable of being a material consideration in the determination of planning applications and consultation triggers could be reviewed. If comments are received they will be taken into account. Review of Permitted Development is a separate project.</p>	<p>No change</p>

Section	Detailed Comment	Response	Change
	Not all historically important buildings are contained within a conservation area and therefore the exclusion of fences/walls/gates/means of enclose (which can also be determined as historically important) without a conservation area is detrimental to our historical heritage.	Noted. It should be highlighted that any demolitions within the curtilage of a registered building would continue to require RB consent. Otherwise it is not clear what factor could be applied to walls/fences/gates/means of enclosure other than whether they are in a Conservation Area (noting that if in the curtilage of a Registered Building) and to control the demolition/removal of every wall/fence etc. is unrealistic. (and not currently the case).	No change
	In terms of the proposed 6(2)(e)(iii) which brings exterior painting into scope for the first time. I'm surprised that outside of conservation areas, the Department would be interested in the external painting. However, if this is really necessary (I would love to know why!) I would suggest that an explicit carve out for 'like for like' repainting in the same colours as previously.	Need to clarify intention for DDO – painting outside of CAs is not proposed to be controlled	No
	Whilst your 6(2)(e) specifies what constitutes 'building operations', it is no longer explicit as to whether these are 'building operations constituting development' and whether a distinction is intended to be drawn.	Section 6(1) defines development, and this includes "building, engineering, mining or other operations" (i.e. including building operations". 6(2) clarifies that certain things are included and 6(3) are excluded but neither is exhaustive (the use of the word "include" is intended to clarify this). 6(2) currently (and will continue) to start with "for the purposes of this section" and the new 2(e) states "building operations include... ". So yes the things set out in 6(e) are building operations constituting development.	No
	3. In 8(4A), could I suggest the addition of the word 'reasonable' before 'conditions'?	There are established legal tests (through case law and reflected in the English National Planning Policy Framework and practice guidance which is regularly updated and to which we can have regard) about planning conditions (which include reasonable). It would be unusual and unnecessary to state in Primary Legislation enabling powers that the secondary legislation made under them must not be unreasonable – not least	No

Section	Detailed Comment	Response	Change
		because if it were unreasonable then this could be unlawful.	
	4. The 2019 Act still has a lingering provision about a Community Infrastructure Levy. In order to keep the statute book neat, perhaps include a provision to repeal the 2019 act and re-enact the CIL provisions in this act. Again, I'd suggest that this act not sit separately on the statute book after receiving its appointed day order.	CIL is outside the scope of this work and a matter for the Cabinet Office.	No
	5. I am concerned at the provisions of paragraph 2 of the schedule which no longer appear to allow deregistration. Is this the intent?	Whilst owners cannot apply to deregister (although can appeal at the point of registration and can apply for Registered Building Consent, which can include applying for demolition) they can bring new information or errors to the attention of the Department who will now have the power to review registrations at any point and to change them (not to just remove a building completely) accordingly.	No
	45 Interpretation - 'maintenance of a highway' means either routine, recurrent, periodic, specific, preventative or emergency works to repair and preserve the existing serviceable conditions of a highway, including existing street furniture and apparatus provision, as practicably possible.	DOI Comment - Agree	Add definition to S.45

Section	Detailed Comment	Response	Change
	<p>Schedule 1 Class 2 – ‘Operations by or on behalf of the Department of Infrastructure within an existing highway consisting of works required for, or incidental to, the improvement of the highway, consisting of -</p> <p>(a) the division of carriageways, provision of roundabouts and variation of the relative widths of carriageways and footways;</p> <p>(b) the construction of cycle tracks;</p> <p>(c) the provision of subways, refuges, pillars, walls, barriers, rails, fences or posts for the use or protection of persons using a highway;</p> <p>(d) the construction and reconstruction of bridges and alteration of level of highways;</p> <p>(e) the planting of trees, shrubs and other vegetation and laying out of grass verges;</p> <p>(f) the provision, maintenance, alteration, improvement or other dealing with cattle-grids, by-passes, gates and other works for use in connection with cattle-grids;</p> <p>(ff) the construction, maintenance and removal of road humps;</p> <p>(fg) the construction and removal of such traffic calming works as may be specially authorised by regulations made under the Highways Act 1986;</p> <p>(g) the execution of works for the purpose of draining a highway or of otherwise preventing surface water from flowing on to it;</p> <p>(h) the provision of barriers or other works for the purpose of affording to a highway protection against hazards of nature;</p> <p>(i) altering or removing any works executed by the highway authority;</p> <p>(j) any highway works specified in the Highways Act 1986 not specified separately in this Class;</p> <p>(k) the provision of traffic signal equipment and associated posts;</p> <p>(l) the erection of blisha beacons and matrix type signs;</p> <p>(m) the provision of utilities or survey boxes, or technology or recording equipment, poles and furniture, erected to facilitate highway or environmental operations;</p> <p>(n) the erection of cycle and motorcycle stands and shelters;</p>	<p>DOI Comment in relation to PDO</p>	<p>No Change - Refer comment to PDO workstream</p>

Section	Detailed Comment	Response	Change
	<p>(o) the provision of dropped kerbs, tactile type and corduroy type paving on cycle-paths, cycle tracks, footpaths and footways specified in the Highways Act 1986;</p> <p>(p) the provision of kassel type and non-standard height kerbing at bus stops or to control motorised and non-motorised traffic; and</p> <p>(q) the erection of wayfinder type signs and information boards’.</p> <p>Items (a)-(i) is similar wording to the UK Highways Act 1980 for general powers of improvement (with slight amendments for IOM where needed), and items (j)-(q) are additional taking into account IOM works and DOI experiences. All the above would be allowed under Schedule 1 Class 2 now with the sweeping use of ‘improvement’.</p> <p>Schedule 1 Class 12 – the words ‘or the maintenance,’ may need to be retained in this paragraph as the current Planning Act changes only mentions highway maintenance to be excluding from the Act and not public places which this Class 12 paragraph currently includes.</p> <p>Schedule 2 Class 2 – ‘Operations by or on behalf of the Department of Infrastructure⁴⁷ within an existing highway consisting of –</p> <p>(a) works required for or incidental to the maintenance of the highway;</p> <p>(b) the erection, maintenance, improvement or other alteration of traffic signs (within the meaning of section 15(1) of the Road Traffic Regulation Act 1985);</p> <p>(c) operations within paragraphs (a) and (b) which could be considered an upgrade or improvement to standards or technology and which has a similar or smaller footprint to the existing operation;</p> <p>(d) the provision of dropped kerbs, tactile type and corduroy type paving on existing cycle-paths, cycle tracks, footpaths and footways specified in the Highways Act 1986; and</p> <p>(e) the provision of kassel type and non-standard height kerbing at bus stops or to control motorised and non-motorised traffic’.</p>		

Section	Detailed Comment	Response	Change
	<p>Item (c) above provides an additional paragraph that should cover upgrades of existing highway features within conversation areas so they do not generate planning applications for considered diminutive type works. Use of 'Similar' wording can still leave an area of interpretation, but is the best considered for any future discussions between highways and planning if they arise on planning cases.</p> <p>Items (d) and (e) above is proposed so that the kerbs/tactile paving issues are less likely to cause planning issues again for conservation areas, and to meet the Equality Act and guidance, so it is suggested that kerbs/tactile paving is permitted development. Highway Services would suggest that prior approval with planning should be required for operations (d) and (e) stated within the PDO or Act if suitable and legal to insert this in the Act (prior approval was mentioned in the proposed Act changes</p>		