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SD No. 2015/0382

**TOWN AND COUNTRY PLANNING  
(PERMITTED DEVELOPMENT)  
(TEMPORARY USE OR DEVELOPMENT)  
ORDER 2015**



# C

## TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT) (TEMPORARY USE OR DEVELOPMENT) ORDER 2015

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Statutory Document No. 2015/0382

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*Town and Country Planning Act 1999*

## **TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT) (TEMPORARY USE OR DEVELOPMENT) ORDER 2015**

*Approved by Tynwald:*

*Coming into Operation: in accordance with article 2*

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The Department of Infrastructure makes the following Order, after consultation with the Department of Environment, Food and Agriculture<sup>1</sup>, under section 8(1), (2), (3)(b), (4) and (5) of the Town and Country Planning Act 1999.

### **1 Title**

This Order is the Town and Country Planning (Permitted Development) (Temporary Use or Development) Order 2015.

### **2 Commencement**

This Order comes into operation immediately after its approval by Tynwald<sup>2</sup>.

### **3 Interpretation**

In this Order —

~~“Department” means the Department of Infrastructure;~~

“recognised motorsport organisation” means a motorsport organisation permitted by the UK Governing body; and

“watercourse” means any natural or artificial channel through which water flows and includes a tributary stream.

### **4 Planning approval for certain development**

- (1) Planning approval is granted for development of a class specified in Schedule 1 on any land, other than land within a conservation area, subject to any condition specified in that Schedule.

<sup>1</sup> As required by section 43A of the Act

<sup>2</sup> Tynwald approval is required by section 44(1) of the Act

- (2) Paragraph (1) does not apply to a development of any class which —
  - (a) falls within any exception specified in Schedule 1 in relation to that class; or
  - (b) contravenes any condition lawfully imposed on the grant of planning approval for development of land.

## **~~5 — Direction that approval shall not apply~~**

- ~~(1) — If the Department is satisfied that any development specified in Schedule 1 should not be carried out in any particular area without planning approval granted pursuant to an application for the purpose, the Department may by an instrument in writing direct that article 4 does not apply to such development in any such area as may be specified in the direction.~~
- ~~(2) — The Department —
  - ~~(a) — must give notice of any direction under paragraph (1) in at least one newspaper published and circulating in the Island or published by such other means as the Department considers appropriate;~~
  - ~~(b) — may give such other notice of the direction as it thinks fit, and~~
  - ~~(c) — must make a copy of the direction available for inspection by any person at all reasonable times at the principal office of the Department.~~~~

## **6. General conditions that will apply to all classes in this Order**

- (1) The following general conditions will apply to all classes of development specified in Schedule 1.
- (2) No part of the development may be undertaken —
  - (a) in, on, under or within an Area of Special Scientific Interest (ASSI), an Area of Special Protection or any other sites as designated under the Wildlife Act 1990;
  - (b) within 9m of a watercourse;
  - (c) in, on, under or within an Ancient Monument;
  - (d) if it requires the creation of a new access; and
  - (e) if it requires the formation, laying out or material widening of a means of access to an existing highway used by vehicular traffic.
- (3) No part of the development may result in the loss of Registered Trees or damage or potential damage thereto, such as would threaten the long term future of the Registered Tree, unless a formal licence has been granted by the Department of Environment, Food and Agriculture under the Tree Preservation Act 1993.

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**SCHEDULE 1**

[Article 4(1)]

**PLANNING APPROVAL FOR CERTAIN DEVELOPMENT**

**Class A – Permitted Development for operations in connection with another development that has been granted approval following an application to ~~the Department or~~ the Department of Environment, Food and Agriculture**

**A. Permitted development**

The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land where planning approval has previously been granted following an application, subject to the following conditions.

**A.1 Conditions**

Any temporary building, structure, works, plant or machinery permitted by Class A must be removed on completion of the development for which planning approval has been granted or in any event not later than 24 months after its initial erection or installation, and within 12 months of its removal the land must be –

- (1) Restored to its condition before the development was carried out; or
- (2) Laid out in accordance with the approved plans related to the grant of planning approval.

**A.2 Development not permitted**

Development is not permitted by Class A if it involves –

- (i) the winning or working of minerals or aggregates; or
- (ii) the erection for drilling of boreholes or the making of other excavations for mineral exploration or exploitation; or
- (iii) the operation of waste management or waste disposal facilities.

**Class B – Permitted Development for operations in connection with a permitted use**

**B. Permitted development**

The use of land for any permitted use for not more than 12 days in total in any calendar year, of which not more than 3 days may be consecutive at any time, and the provision on the land of any temporary structure or building(s) for the purposes of the permitted use.

**B.1 Scope of Class B**

The permitted uses mentioned in Class B are –

- (a) a car boot sale or market for sales;
- (b) a motor car or motorcycle racing event (other than activities permitted by Classes C, D, E or F) organised by a recognised motorsport organisation,

including trials of speed and practising for these activities (on designated practice and race days of the event); ~~and~~

(c) a fete, fair, festival, agricultural show or other gathering of people for a similar purpose; ~~and~~

~~(d) a concert, circus or other public event on land which is owned or controlled by —~~

~~(i) a Government Department;~~

~~(ii) a Statutory Board;~~

~~(iii) a Local Authority; or~~

~~(iv) Manx National Heritage.~~

## B.2 Exceptions

Development is not permitted by Class B for —

~~(a)~~ the erection or placing of tents for camping; or

~~(b)~~ the storage and/or use of caravans and motorhomes unless the use is for accommodation by the staff of an event under paragraph B1.

## B.3 Conditions

Development is permitted by Class B subject to the following conditions —

~~(1) At least 14 days prior to the commencement of the permitted use, the organiser of the event must inform the Department of Environment, Food and Agriculture in writing of the event detailing the location, date and time(s) of the event.~~

(2) Any equipment, or structures associated with the permitted use must be erected no sooner than 7 days prior to the commencement of the event and must be taken down and removed from site no later than 7 days following its finish.

This is subject to the following qualification —

(3) For the Royal Manx Agricultural Show and Southern & District Agricultural Show, any equipment, structures or buildings associated with the permitted use must be erected no sooner than 30 days prior to the commencement of the agricultural show and must be taken down and removed from site no later than 30 days following its finish.

~~Class C – Permitted Development for operations in connection with the Isle of Man TT, Manx Grand Prix, Isle of Man Classic TT, and the Isle of Man Festival of Motocycling, Southern 100, the Pre TT Classic and the Post TT Races~~

Class C – Permitted Development of operations in connection with the Isle of Man TT, Manx Grand Prix, Southern 100 and the Pre-TT Classic Races

## C. Permitted development

The use of land shown on the map in Schedule 2 and Schedule 3 for any purpose referred to in paragraph C.1 and for the provision on the land of any temporary structure, building(s) or use referred to in paragraph C.2.

### C.1 Interpretation of Class C

The purposes mentioned in Class C are —

- (a) The Isle of Man TT;
- (b) Manx Grand Prix;
- (c) ~~Isle of Man Classic TT; and Southern 100; and~~
- (d) ~~Isle of Man Festival of Motocycling; Pre TT Classic Races.~~

### C.2 Temporary structures or buildings permitted by Class C

The temporary structures or buildings or use permitted by Class C include —

- (a) race competitor's garages and workshops;
- (b) hospitality and catering facilities;
- (c) grandstands; ~~and~~
- (d) the use of land for accommodation; ~~;~~
- (e) ~~awnings and marquees; and~~
- (f) ~~roadways and pathways.~~

### C.3 Conditions

Development is permitted by Class C subject to all of the following conditions —

- (1) Any building must be erected or installed no sooner than ~~10~~14 days before the first designated practice for any of the purposes mentioned in paragraph C.1;
- (2) The use may not commence earlier than 3 days prior to the first designated practice for any of the purposes mentioned in paragraph C.1;
- (3) The use must cease no later than 3 days following the last race for any of the purposes mentioned in paragraph C.1; ~~and~~
- (4) Any building, other than those ~~within-complying with~~ Class D, must be dismantled and removed from the site no later than ~~10~~14 days following the last race for any of the purposes mentioned in paragraph C.1; ~~and~~;
- (5) ~~any land used for temporary roadways or pathways under paragraph C.2 must be reinstated to its condition before the installation took place no later than 14 days following the last race for any of the purposes mentioned in paragraph C.1.~~

~~Class D — Safety works in connection with the Isle of Man TT, Manx Grand Prix, Isle of Man Classic TT, and the Isle of Man Festival of Motocycling, Southern 100, Pre TT Classic and the Post TT Races.~~

~~Class D – Safety works in connection with the Isle of Man TT, Manx Grand Prix, Southern 100 and the Pre TT Classic Races.~~

### D. Permitted development

The temporary erection of buildings, structures or safety works or structures required for the safe operation of the Isle of Man TT, Manx Grand Prix, ~~Isle of Man Classic TT and~~

~~the Isle of Man Festival of Motorcycling Southern 100 and the Pre-TT Classic Races.~~

**D.1 Safety works or structures permitted by Class D**

The safety works or structures permitted by Class D include –

- (a) the erection of trackside shelters;
- (b) the erection of scaffold towers including scaffolding erected to accommodate marshals; and
- (c) the siting of bales, air cushioning and other safety related equipment.

**D.2 Conditions**

~~Development is permitted by Class D subject to the following conditions –~~

- ~~(1) All buildings or works must be erected or installed no sooner than 56 days before the first designated practice day for the Isle of Man TT and removed no later than 28 days following the last race of the Manx Grand Prix / Isle of Man Classic TT/ Isle of Man Festival of Motorcycling.~~

~~Development is permitted by Class D subject to the following conditions –~~

- ~~(a) in respect of the Isle of Man TT, Manx Grand Prix and the Isle of Man Festival of Motorcycling –
  - ~~(i) no building, structures or works may be erected or installed earlier than 56 days before the first designated practice day for the Isle of Man TT; and~~
  - ~~(ii) any such building, structure or works must be removed no later than 28 days following the last race of the Manx Grand Prix or the Isle of Man Festival of Motorcycling (whichever is the later);~~~~
- ~~(b) in respect of the Southern 100, Pre-TT Classic and the Post-TT Races –
  - ~~(i) no building, structures or works may be erected or installed earlier than 56 days before the first designated practice day for the Isle of Man Pre-TT Classic event; and~~
  - ~~(ii) any such building, structure or works must be removed no later than 28 days following the last race of the Southern 100.~~~~

~~**Class E – Permitted Development for operations in connection with the Southern 100, Pre-TT Classic and Post TT Races**~~

~~**E. — Permitted development**~~

~~The use of land shown on the map in Schedule 3 for any purpose referred to in paragraph E.1 and for the provision on the land of any temporary structure, building(s) or use referred to in paragraph E.2.~~

~~**E.1 — Interpretation of Class E**~~

~~The purposes mentioned in Class E are –~~

- ~~(a) The Southern 100;~~
- ~~(b) The Pre-TT Classic; and~~
- ~~(c) The Post TT races.~~

**~~E.2 — Temporary structures or buildings permitted by Class E~~**

~~The temporary structures or buildings or use permitted by Class E include —~~

- ~~(a) race competitor's garages and workshops;~~
- ~~(b) hospitality and catering facilities;~~
- ~~(c) grandstands; and~~
- ~~(d) the use of land for accommodation.~~

**~~E.3 — Conditions~~**

~~Development is permitted by Class E subject to all of the following conditions —~~

- ~~(1) Any building must be erected or installed no sooner than 10 days before the first designated practice for any of the purposes mentioned in paragraph E.1;~~
- ~~(2) The use may not commence earlier than 3 days prior to the first designated practice for any of the purposes mentioned in paragraph E.1;~~
- ~~(3) The use must cease no later than 3 days following the final race of any of the purposes mentioned in paragraph E.1; and~~
- ~~(4) Any building, other than those complying with Class F must be dismantled and removed from the site, no later than 10 days following the last race of any of the purposes mentioned in paragraph E.1.~~

**~~Class F — Safety works in connection with the Southern 100, the Pre TT Classic and the Post TT Races~~**

**~~F. — Permitted development~~**

~~The temporary erection of buildings, structures or safety works or structures required for the safe operation of the Southern 100, the Pre TT Classic and the Post TT Races.~~

**~~F.1 — Safety works or structures permitted by Class F~~**

~~The safety works or structures permitted by Class F include —~~

- ~~(a) — the erection of trackside shelters;~~
- ~~(b) — the erection of scaffold towers including scaffolding erected to accommodate marshals; and~~
- ~~(c) the siting of bales, air cushioning and other safety related equipment.~~

**~~F.2 — Conditions~~**

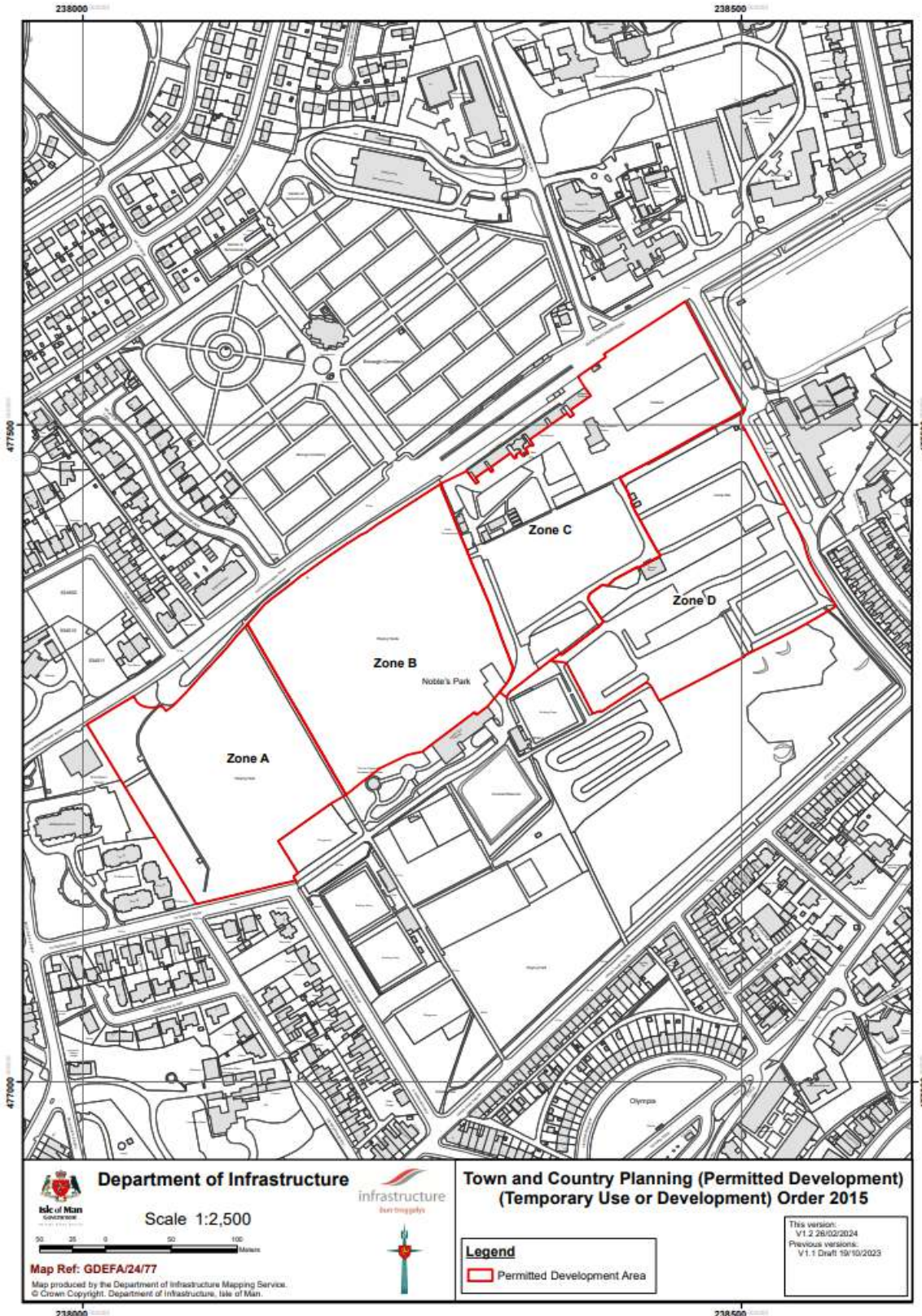
~~Development is permitted by Class F subject to the following condition —~~

- ~~(1) All buildings or works must be erected or installed no sooner than 56 days before the first designated practice day for the Isle of Man Pre TT Classic event and removed no later than 28 days following the last race of the Southern 100.~~

SCHEDULE 2

[Schedule 1, Paragraph 3, Class C]

OFFICIAL RACE EVENT PADDOCK AND CAMPSITE AREAS AT NOBLES  
PARK, DOUGLAS FOR ISLE OF MAN TT, MANX GRAND PRIX ~~AND ISLE OF~~  
~~MAN CLASSIC TT RACES~~





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

This Order will increase the range of development(s) permitted without the need to obtain planning approval. It also seeks to regularise the approach to temporary developments and uses which previously would have required planning approval but which the Department of Infrastructure now considers there to be no benefit in pursuing such action.

## PLEASE NOTE—

This Order does not obviate the need to obtain any other relevant approvals under the Mechanical Contrivances Regulation Act 1923, Tourist Act 1975, Town and Country Planning (Control of Advertisements) Regulations 2013, or any other legislation or regulations, including activities in relation to the sale or consumption of alcohol or the playing of music or to the registration of land for the purpose of accommodating visitors (including campsites). It should also be noted that noise generated from the use could be subject to a Noise Abatement Notice, if levels become excessive.

For the avoidance of doubt, development permitted under Class C cannot remain in place for the period between 10 days after the final race day of the Isle of Man TT and 10 days before the first designated practice for the Manx Grand Prix/Isle of Man Classic TT/Isle of Man Festival of Motorcycling.