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TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) (AMENDMENT) ORDER 2024

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Statutory Document No. 20XX/XXXX

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Town and Country Planning Act 1999

TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) (AMENDMENT) ORDER 2024

Laid before Tynwald:

Coming into Operation: in accordance with article 2

The Department of Environment, Food and Agriculture makes the following Order under sections 8, 9(1), 10 and 11(3) of the Town and Country Planning Act 1999.

1 Title

This Order is the Town and Country Planning (Development Procedure) (Amendment) Order 2024.

2 Commencement

This Order comes into operation on 01 May 2024¹.

3 Town and Country Planning (Development Procedure) Order 2019 amended

The Town and Country Planning (Development Procedure) Order 2019² is amended in accordance with this Order.

4 Article 3 amended

(1) Article 3 is amended as follows.

(2) After the definition of "Act", insert —

«**appeal contributor**» means in relation an appeal, any of the following persons, or an agent acting on their behalf —

- (a) an appellant;
- (b) a potential appellant;

¹ Tynwald procedure—negative, in accordance with section 44(2) of the Town and Country Planning Act 1999.

² SD 2019/0423.

- (c) the Department;
- (d) the Department of Infrastructure;
- (e) the local authority for the area in which the planned development that is the subject of the appeal is situated;
- (f) any other person who has submitted written representations (not being a petition signed by numerous persons); or
- (g) where a petition signed by numerous persons has been submitted, a nominated person to represent the signatories to that petition;

“AIRC” means approval of information required by condition;

“**appeal notice**” means the documents and materials that are sent to the CEO in accordance with article 10(8); ».

- (3) In the definition of “appellant”, for “referred to in article 10(1);”, substitute «or an agent acting on their behalf, who has appealed from a decision of the Department in accordance with article 10;».
- (4) In the definition of “applicant”, for “or under Part 3”, substitute «, Part 3 or Part 3A».
- (5) For the definition of “application for approval in principle”, substitute —
«**application for approval in principle**” means an application for planning approval for one or more new or replacement buildings that reserves, for subsequent application for approval to the Department, matters of —
 - (a) siting;
 - (b) design;
 - (c) external appearance;
 - (d) internal layout of buildings;
 - (e) site layout;
 - (f) drainage;
 - (g) landscaping;
 - (h) means of access not particularised in the application,and “**approval in principle**” is to be construed accordingly;».
- (6) After the definition of “application for planning approval”, insert —
«“**CEO**” means the Chief Executive Officer (Isle of Man Government);».
- (7) After the definition of “Department”, insert —
«“**householder appeal**” means an appeal —
 - (a) which meets the criteria at article 10(5A), and

- (b) that the appellant has indicated they wish to have treated as a householder appeal;

“**household appeal notice**” means the documents and materials that are sent to the planning inspector in accordance with article 10(9);

“**low carbon technology**” includes, but is not limited to, any of the following —

- (a) air source heat pump;
- (b) ground source heat pump;
- (c) water source heat pump;
- (d) air to heat pump;
- (e) sewage source heat pump;
- (f) hybrid heat pump;
- (g) solar thermal storage;

“**Manx National Heritage**” means the Manx Museum and National Trust established under the Manx Museum and National Trust Act 1959;».

- (8) After the definition of “minor changes application”, insert —

«“**planning committee**” means the planning committee constituted under section 39C of the Act;».

- (9) After the definition of “planning inspector”, insert —

«“**potential appellant**” means a person or an agent acting on their behalf who has —

- (a) a right to appeal in accordance with article A10; and
- (b) not yet appealed from a decision of the Department in accordance with article 10;».

5 Article 4 omitted

Article 4 is omitted.

6 New article A5

In Part 2, Division 1, before article 5, insert —

«A5 Application for planning approval: general

An application for planning approval may seek —

- (a) approval for any planned development;
- (b) retrospective approval for any development that has already been carried out;
- (c) approval in principle; or

- (d) approval for a combination of any of sub-paragraphs (a) to (c).».

7 Article 5 amended

In article 5(1), for “four”, substitute «2».

8 Article 6 amended

In article 6(4), for “Chief Secretary”, substitute «CEO».

9 Article 7 amended

- (1) Article 7 is amended as follows.
- (2) In paragraph 2 —
 - (a) in sub-paragraph (b), for “paragraph (2)”, substitute «paragraph (3)»; and
 - (b) for sub-paragraph (c), substitute —
 - «(c) state that any person (P) who wishes to be treated as a potential appellant must, in P’s written representations specify how (by reference to material planning considerations) the lawful use of P’s land would be affected by the development for which approval is sought.».
- (3) After paragraph (3)(a)(ii), insert —
 - «(iii) (where the applicant is not the owner) provide a copy of that notice to the owners of the land as soon as practicable, unless the land is not registered with the land registry and the applicant does not know who owns the land;».
- (4) In paragraph (3)(b), omit “Highway Services Division of the”.

10 Article 8 amended

For article 8, substitute —

«8 Determination of applications

- (1) Where article 16 does not apply, the Department must consider the application bundle and any representations made under article 7 in accordance with this article.
- (2) In determining an application, the Department must decide —
 - (a) whether to grant or refuse planning approval;
 - (b) where planning approval is granted, whether any conditions are to be attached to that grant; and

- (c) who has a right to appeal such a decision, in accordance with article A10.
- (3) The Department cannot determine an application earlier than 21 days beginning with the date on which the applicant is given the latest notice of application under article 7;
- (4) A determination to grant or refuse planning approval does not have effect —
 - (a) if an appeal is submitted under Division 3 of this Part until the appeal is determined or withdrawn;
 - (b) if no appeal is submitted, but there are potential appellants in addition to the applicant, until the time within which an appeal may be submitted has expired (see article 10(3)).
- (5) Unless a condition attached to a grant of planning approval provides otherwise, the approval (including one which has been changed as a result of a minor changes application – see Part 3) applies to the land in respect of which it is granted irrespective of any change of ownership or interest in the land.».

11 Article 9 amended

- (1) Article 9 is amended as follows —
- (2) In paragraph (1) —
 - (a) for “making determination”, substitute «a determination has been made»; and
 - (b) in sub-paragraph (b), for “interested person”, substitute «potential appellant».
- (3) After paragraph (1), insert —
 - «(1A) Notwithstanding paragraph (1), the Department may withhold giving notice of a decision, where an agreement entered into between the Department and applicant under section 13 of the Act is yet to be fulfilled.».
- (4) In paragraph (2) —
 - (a) in sub-paragraph (b), after “approval is”, insert «granted or»;
 - (b) in sub-paragraph (c), for “article 8(6)”, substitute «article 8(4)»; and
 - (c) for subparagraph (d), substitute —
 - «(d) where a potential appellant has a right of appeal under article A10, the criteria specified in article A10 which that potential appellant satisfies.».
- (5) For paragraph (3), substitute —

- «(3) If it appears to the Department that an approval decision notice contains a relevant error, the Department must give a correction notice to those persons mentioned in paragraph (1) setting out —
 - (a) the text of any correction subject to which the approval decision notice is to be read; and
 - (b) whether any changes to the date the original notice has effect from are to be made (see paragraph (5)).».
- (6) For paragraph (5), substitute —
 - «(5) Where a correction notice has been given, the original notice is to be treated for all purposes as if it had been made in the corrected form and where the correction is such that the meaning of a condition of the original notice has —
 - (a) not been changed, the original notice continues in effect from the date on which it was first issued; or
 - (b) has changed, the original notice has effect from the date on which the correction notice is issued.».

12 New article A10

In Part 2, Division 3, before article 10, insert —

«A10 Right to Appeal

- (1) The following persons have a right to appeal in respect of an application under Part 2 —
 - (a) the applicant;
 - (b) any of the following bodies that submit a relevant objection —
 - (i) a local authority;
 - (ii) a Department;
 - (iii) Manx Utilities; and
 - (iv) Manx National Heritage; and
 - (c) any other person who has made an objection which meets the specified criteria in paragraph (3).
- (2) In paragraph (1)(b), “**relevant objection**” means an objection which the Department considers material and which is made in writing —
 - (a) setting out an objection relating to a material planning consideration of the proposed development and how it will have a detrimental impact —
 - (i) on that body’s ability to carry out its functions; or
 - (ii) on matters for which that body has responsibility; or

- (b) in the case of a local authority, set out an objection relating to a detrimental impact on the quality of life of that authority’s residents.
- (3) The specified criteria are –
 - (a) the objection relates to land that is owned or occupied by the person making the written representations, or an agent acting on their behalf;
 - (b) the proposed development –
 - (i) is within 20 metres of the red line shown on the site location map (see Schedule 1) of the land referred to in sub-paragraph (a); or
 - (ii) automatically requires an Environmental Impact Assessment in accordance with any development plans or national policy directives issued under sections 2 and 2A of the Act; and
 - (c) the objection relates to a material planning consideration of the proposed development –
 - (i) which will have a detrimental impact on the living conditions of the land; and
 - (ii) which the Department considers material.
- (4) In paragraph (3)(c), “**living conditions**” includes, but is not limited to, any of the following things –
 - (a) outlook;
 - (b) privacy;
 - (c) noise;
 - (d) light;
 - (e) dust;
 - (f) smell.».

13 Article 10 amended

- (1) Article 10 is amended as follows.
- (2) In the title of the article, for “from decisions of the Department”, substitute «under Part 2».
- (3) For paragraph (1), substitute –
 - «(1) Any potential appellant may appeal –
 - (a) a decision of the Department to –
 - (i) grant planning approval (including any conditions attached to that grant of approval); or
 - (ii) refuse planning approval; and

- (b) a failure of the Department to make a decision in respect of an application under Part 2.».
- (4) Omit paragraph (2).
- (5) In paragraph (3) —
 - (a) for the words “An appeal”, substitute «Except where paragraph (4) applies, an appeal from a decision of the Department»; and
 - (b) omit “This paragraph applies where paragraph (4) does not.”.
- (6) For paragraph (4), substitute —
 - «(4) An appeal may be submitted by the applicant after a period of 6 months has passed from the date that the Department was furnished with the application bundle if —
 - (a) the application has not yet been determined;
 - (b) the application is not to be determined by the Council of Ministers; and
 - (c) there are no documents or particulars yet to be received by the Department, following a direction for such to the applicant in accordance with article 5(6).».
- (7) After paragraph (5)(b), insert —
 - «(c) be in writing and given to the Department.».
- (8) After paragraph (5), insert —
 - «(5A) Where —
 - (a) an appeal relates to a planning application for the alteration or extension of a dwelling or an outbuilding within the curtilage of a dwelling, and which is not an application which will result in a new dwelling;
 - (b) the only potential appellant is the applicant; and
 - (c) the appeal is not one to which paragraph (4) applies, the appellant may indicate that they would like the appeal to be considered as a householder appeal.».
- (9) In paragraph (6)(a) —
 - (a) for the words “listed in article 4(2)”, substitute «the applicant»; and
 - (b) after the words “person included in”, insert «written».
- (10) For paragraph (8), substitute —
 - «(8) Except where an appellant has indicated that they wish to submit a householder appeal (see paragraph (9)), the Department must, as soon as reasonably practicable, forward to the CEO an appeal notice containing all documents and material it has received under this article.

- (9) Where an appellant has indicated that they wish to submit a householder appeal, the Department must, as soon as reasonably practicable, forward to the planning inspector a householder appeal notice containing all documents and material it has received under this article.».

14 Article 11 amended

- (1) Article 11 is amended as follows.
- (2) In the title of the article, for “Chief Secretary”, substitute «CEO».
- (3) In paragraph (1) —
 - (a) in both places it occurs, for the words “Chief Secretary”, substitute «CEO»; and
 - (b) for the words “interested person”, substitute «appeal contributor».
- (4) In paragraph (2), for “Chief Secretary”, substitute «CEO».
- (5) In paragraph (3) —
 - (a) for “interested parties”, substitute «appeal contributors»; and
 - (b) for “Chief Secretary’s”, substitute «CEO’s».
- (6) After paragraph (3), insert —
 - «(3A) For the purposes of paragraph (3), where no response is received from an appeal contributor, or their response does not set out a preference for the means of appeal, it shall be taken as an agreement to determine the appeal by means of written representations.».
- (7) In paragraph (4) —
 - (a) for “interested person”, substitute «appeal contributor»; and
 - (b) renumber sub-paragraphs (i) and (ii) as «(a)» and «(b)» respectively.
- (8) In paragraph (6) —
 - (a) for “Chief Secretary”, substitute «CEO»; and
 - (b) for “interested person”, substitute «appeal contributor».
- (9) In paragraph (7), for “Chief Secretary”, substitute «CEO».
- (10) In paragraph (8), for “Chief Secretary”, substitute «CEO».

15 Article 12 amended

- (1) Article 12 is amended as follows.
- (2) In paragraph (1) —
 - (a) for “Chief Secretary”, substitute «CEO»;

- (b) in sub-paragraph (a), for “his”, substitute «the planning inspector’s»;
 - (c) in sub-paragraph (b), for “interested person”, substitute «appeal contributor»; and
 - (d) in sub-paragraph (d), for “the appellant, the Department and every interested person”, substitute «every appeal contributor».
- (3) In paragraph (2) –
- (a) for “Chief Secretary”, substitute «CEO»; and
 - (b) for “interested parties”, substitute «appeal contributor».
- (4) After paragraph (2), insert –
- «(2A) Where a householder appeal notice is forwarded directly to the planning inspector, the planning inspector must consider the application bundle, the written appeal, any written representations made in respect of them and any other material or information the planning inspector considers necessary in order to discharge the planning inspector’s functions under this article.».
- (5) In paragraph (3) –
- (a) for Chief Secretary”, substitute «CEO»; and
 - (b) for “recommendations as to the determination of the application”, substitute –
 - «recommendation in relation to the application, which also sets out –
 - (a) the reasons for that recommendations; and
 - (b) regardless of the recommendation, in the event of a grant of approval, any conditions that are recommended to be attached to that grant of approval, and the reasons for them.».

16 Article 13 amended

- (1) Article 13 is amended as follows.
- (2) For paragraph (2), substitute –
- «(2) As soon as practicable after its determination of the appeal, the Department must give every appeal contributor an appeal decision notice.
 - (2A) The Department’s determination must not take effect until an appeal decision notice has been issued.».
- (3) After paragraph (3)(a), insert –
- «(aa) in the event that the determination results in approval being granted, set out any conditions attached to that grant of approval, and the reasons for them;».

17 Article 14 amended

- (1) Article 14 is amended as follows.
- (2) Renumber the existing paragraph as paragraph (1).
- (3) In the renumbered paragraph (1) —
 - (a) after “may withdraw an appeal”, insert «, other than a householder appeal,»; and
 - (b) for “Chief Secretary”, substitute «CEO».
- (4) After renumbered paragraph (1), insert —
 - «(2) The appellant may withdraw a householder appeal at any time before an appeal decision notice in respect of it has been issued, by giving notice in writing to the planning inspector and the Department.».

18 Article 15 amended

In article 15 —

- (a) omit “or, as the case may be, the appellant’s representative”; and
- (b) for “other interested person”, substitute «appellant».

19 Article 16 amended

In article 16(1), omit sub-paragraph (b) and the words “(a “Departmental application””, following that sub-paragraph.

20 Article 17 amended

- (1) Article 17 is amended as follows.
- (2) In paragraph (2) —
 - (a) in sub-paragraph (b), for “Chief Secretary”, substitute «CEO»; and
 - (b) in sub-paragraph (c)(i), omit “or, as the case may be, a Departmental”.
- (3) In paragraph (3)(b), omit “Highway Services Division of the”.
- (4) In paragraph (7) —
 - (a) omit sub-paragraph (a)(ii); and
 - (b) in sub-paragraph (b), for “Chief Secretary”, substitute «CEO».
- (5) In paragraph (8)(a)(ii), for “Chief Secretary”, substitute «CEO».

21 Article 18 amended

- (1) Article 18 is amended as follows.

- (2) For all occurrences of “Chief Secretary” (including the title of the article), substitute «CEO».
- (3) In paragraph (1) —
 - (a) in sub-paragraph (a), for “Chief Secretary’s”, substitute «CEO’s»; and
 - (b) omit subparagraph (c).
- (4) In paragraph (3)(a), for “an application (whether a section 11(1) or a Departmental application)”, substitute «a section 11(1) application».

22 Article 19 amended

In article 19(1) —

- (a) for “Chief Secretary”, substitute «CEO»; and
- (b) in sub-paragraph (c), omit “or Departmental application”.

23 Article 20 amended

- (1) Article 20 is amended as follows.
- (2) For all occurrences of “Chief Secretary” and “CS”, substitute «CEO».
- (3) Omit paragraph (6).

24 Article 21 amended

- (1) Article 21 is amended as follows.
- (2) For paragraph (1), substitute —
 - «(1) More than one minor changes application may be made in respect of any particular grant of planning approval, provided that —
 - (a) any previous minor changes application has been either refused or withdrawn;
 - (b) the minor change application seeks approval only for the installation of low carbon technology; or
 - (c) all previous minor change applications have related solely to the installation of a low carbon technology.».
- (3) In paragraph (2) —
 - (a) in sub-paragraph (a), for “relate to a”, substitute «relate to an extant»;
 - (b) at the end of sub-paragraph (c)(ii), insert —
 - «, where this would —
 - (aa) increase the total floor plan by more than 5%; or
 - (bb) result in any part of the development being located closer to the curtilage of an adjacent dwelling;».

- (4) After paragraph (2), insert —
- «(3) Notwithstanding paragraph (2), a minor change application may be made if —
 - (a) it relates to the approval of a low carbon technology; and
 - (b) it would be granted planning approval by an order made under section 8(1) of the Act if the building which it is to serve was substantially complete.».

25 Article 22 amended

In article 22(1), for “two copies”, substitute «a copy».

26 Article 23 amended

- (1) Article 23 is amended as follows.
- (2) In paragraph (1)(d), after “neighbouring properties”, insert «or highway safety».
- (3) In paragraph (2), omit sub-paragraph (b).

27 Article 25 amended

In article 25(b), omit “within the period specified in article 23, or at all”.

28 New Part 3A

Before Part 4, insert —

**«PART 3A—APPLICATIONS FOR APPROVAL OF
INFORMATION REQUIRED BY CONDITION**

**25A Application for approval of information required by
condition: General**

- (1) An AIRC application must be submitted using an application form supplied by the Department and completed by the applicant.
- (2) An application must be accompanied by the fee payable for such an application prescribed in an order (if any) made by the Department under section 81 of the Interpretation Act 2015.
- (3) The refusal of an application for approval of information required by condition does not prevent the applicant submitting a new application under paragraph (1).

25B Determination of an AIRC

The Department must refuse an AIRC application, if, in the view of the Department, the proposal does not provide the information set out in the condition in a manner that addresses the reason stated for the condition being attached.

25C Notice of decision

- (1) As soon as practicable after making a determination under article 25B, the Department must give notice in writing of that decision (an “AIRC decision notice”) to the applicant.
- (2) An AIRC decision notice must set out —
 - (a) the decision on the application;
 - (b) the reasons for the decision; and
 - (c) where the decision has been to refuse the application, the effect of article 25A(3).
- (3) If it appears to the Department that an AIRC decision notice contains a relevant error, the Department must give a correction notice to the applicant setting out the text of any correction subject to which the minor changes decision notice is to be read.
- (4) A relevant error is —
 - (a) an error of grammar, spelling or syntax;
 - (b) an error in the citation of relevant legislation;
 - (c) an obviously incorrect cross-reference;
 - (d) a clerical error or omission; or
 - (e) an error in transcription or expression.
- (5) Once a correction notice has been given, the original notice is to be treated for all purposes as if it had been made in the corrected form.

25D Appeals from decisions of the Department

- No appeal lies against the Department’s —
- (a) determination in respect of an application made under Article 25A; or
 - (b) failure to make a determination.».

29 New article A26

In Part 4, before article 26, insert —

«A26 Applications made by the Department

- (1) Where the Department —
 - (a) makes an application to which this Order applies;
 - (b) is the owner of the land in respect of which an application under this Order has been made; or
 - (c) otherwise has an interest in an application made under this Order, or land to which an application under this Order is made, which may prejudice the Department’s ability to remain impartial in any decision making role,the relevant provisions of this Order shall apply, with the exceptions and modifications set out in paragraph (2).
- (2) The exceptions and modifications are —
 - (a) in the following articles, references to “the Department” shall be read as a reference to “the planning committee” —
 - (i) article 8; and
 - (ii) article 10;
 - (b) in article 13, references to the “Department” shall be read as references to the “Council of Ministers”; and
 - (c) article 10(5A) (householder applications) does not apply to applications made by the Department under this Order.».

30 Article 29 amended

- (1) Article 29 is amended as follows.
- (2) Renumber the existing paragraph as paragraph (1).
- (3) After the renumbered paragraph (1), insert —
 - «(2) Any planning application, minor change application or AIRC application that has been submitted prior to the commencement of the Town and Country Planning (Development Procedure) (Amendment) Order 2024, but which has not yet been finally determined, shall be determined as if that Order had not been made.».

31 Schedule 1 amended

- (1) Schedule 1 is amended as follows.
- (2) Omit paragraph 1(2)(e).
- (3) After paragraph 1(4), insert —
 - «(5) In cases where the site is identified as being at risk of flooding on the most recent flood maps published by the Flood Risk Management Authority and the application includes the

construction of a new building or a change of use to an existing building, a flood risk assessment.».

- (4) In paragraph 2 –
- (a) for the title of paragraph 2, substitute «Specified applications for planning approval»;
 - (b) in sub-paragraph (3)(b) –
 - (i) at the start of the paragraph, insert «subject to sub-paragraph (5),»; and
 - (ii) after “1:100”, insert «(unless otherwise agreed with the Department»;
 - (c) after sub-paragraph (4), insert –
 - «(5) Where an application is seeking retrospective approval for works that relate to the construction of –
 - (a) walls;
 - (b) fences;
 - (c) gates; or
 - (d) buildings of less than 50 cubic metres (measured externally), which are within the curtilage of another building,the elevations may instead be provided using annotated photographs which sufficiently demonstrate the relevant elevations.».
- (5) In paragraph 4(b), omit the second occurrence of “the”.
- (6) After paragraph 6, insert –

7 Applications for approval in principle

An application for approval in principle must set out which matters listed in the definition of “application for approval in principle” are to be reserved.

8 Climate change requirements

- (1) This paragraph does not apply to the following types of applications –
- (a) change of use;
 - (b) reserved matters;
 - (c) replacement windows and doors in conservation areas;
 - (d) extensions or alterations of existing buildings;

- (e) erection or demolition of outbuildings within a domestic curtilage;
 - (f) minor change applications; or
 - (g) approval of information required by condition.
- (2) This paragraph applies where a development plan under section 2 of the Act, or a national policy directive under section 2A of the Act, have been issued, which set out requirements in relation to the climate change topics referred to in sub-paragraph (4).
- (3) Where this paragraph applies to an application, the application must demonstrate that regard has been given to the climate change topics listed in sub-paragraph (4), including, where appropriate, why any of those topics are not practicable in relation to the proposed development.
- (4) The climate change topics are –
- (a) maximisation of carbon sequestration;
 - (b) minimising of greenhouse gas emissions;
 - (c) maintenance and restoration of ecosystems;
 - (d) biodiversity net gain;
 - (e) the need for sustainable drainage systems; and
 - (f) provision of active travel infrastructure.».

32 Schedule 2 amended

- (1) Schedule 2 is amended as follows.
- (2) After paragraph 2(3), insert –
- «(3A) All appeal contributors must be given an opportunity to present evidence at an inquiry.
 - (3B) A person who is not an appeal contributor may only give evidence with the permission of the planning inspector.».
- (3) In paragraph 4 –
- (a) in sub-paragraph (1), for “the Department, the appellant and any other interested person”, substitute «appeal contributors»;
 - (b) in sub-paragraph (2)(d), for “interested person who has made written representations”, substitute «appeal contributors»; and
 - (c) omit sub-paragraph (3).

MADE

CLARE BARBER

Minister for Environment, Food and Agriculture

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (Development Procedure) Order 2019 (the “2019 Order”) as follows.

Interested person status replaced

Interested person status (IPS) has now been replaced with the right to appeal and the right to give evidence as part of an appeal.

Previously IPS allowed both applicants and any 3rd party to trigger an appeal in relation to an application for planning approval, request an appeal by inquiry and participate in an appeal.

The automatic right to appeal an application for planning approval is now reserved solely for the applicant. Other 3rd parties may still be afforded a right to appeal, if they are able to satisfy the Department via written representations that they meet the specific criteria now set out under article A10.

The right to give evidence or participate in an appeal, and also to request the appeal be by way of an inquiry, has now been widened, and is no longer limited to those who could appeal.

Householder appeals

Where an applicant wishes to appeal against a decision in respect of an application for planning approval relating to an alteration or extension of a dwelling, and they are the only individual with a right to appeal, then they may request that their appeal is treated as a householder appeal.

Householder appeals will be sent directly to the planning inspector for decision (without statements of case, rebuttals or an inquiry), and will result in a quicker resolution for these types of appeals.

Climate change policies

A requirement has been added, such that where a policy related to one of the 6 topics as set out in the Climate Change Act 2021 has been published by the Department in a Development Plan or National Policy Directive (under the Town and Country Planning Act 1999), then applications for planning approval will need to detail how the application complies with the relevant climate change topic. Smaller applications are excluded from this requirement.

Publicity

A requirement has been introduced, such that in any application for planning approval, the applicant must provide a copy of that application to any owners of that land (where the applicant is not the owner). An exception is made in cases where the land is not registered and the applicant does not know the identity of the owner.

Minor Change Applications

Previously only one MCH could be submitted in relation to any particular grant of planning approval. More than one may now be made where all previous MCHs have been either refused or withdrawn. More than one may also be submitted where the MCH relates solely to the installation of a low carbon technology.

A change has been made, such that only 1 hard copy of the MCH needs to be submitted, as opposed to 2.

Applications for approval of information required by condition

Applications for approval of information required by condition are now dealt within the 2019 Order. The process, as well as decisions and appeals for such applications, are set out under new Part 3A.

Applications made by the Department

Where the Department makes an application for planning approval, these will now be considered by the planning committee by default as opposed to the Council of Ministers.

Applications made by the Department may still be considered by the Council of Ministers where this is directed under section 11 of the Town and County Planning Act 1999.

Other changes

Other changes include:

- Decisions on applications for planning approval must now include reasons where approved, not just where refused.
- Time limits in which the Department must issue a decision on an application under the 2019 Order have been removed so that these can instead be established via Departmental customer care policies.
- The requirement that the Department will not issue a decision notice in respect of an application for planning approval, in cases where an agreement (see section 13 of the Town and County Planning Act 1999) is yet to be fulfilled by the applicant, has been more clearly set out.
- The provisions relating to Approvals in Principle have been clarified.