

Consultation on Town and Country Planning Act Amendments, Definition of Development Order & registered Building Regulations

Closing Date: 27th October 2023

Douglas City Council Response

Proposed changes to the Planning Act

1 Do you think the policy intentions described are appropriate?

Yes

Please give reasons for your answer:

Yes, they will improve the current process, provide clarity to developers and reduce the planning resource required.

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

Yes

If not, please give your reasons:

Proposed changes to the Planning Act

3 Do you think the transitional provisions are adequate?

Yes

Please give reasons for your answer:

They will improve the current process and prevent the unnecessary use of planning resources.

Definition of Development Order

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

Yes

Please give reasons for your answer:

Overall, however, please note our comments below in the comments section (Q5).

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

Meaning of "Development"

(2) (aa) - the temporary siting of a moveable structure on land involves a material change in its use;

- We comment "moveable structure" needs to be defined. Needed to clarify what constitutes a moveable structure and if vehicles are included is it all vehicles or specific vehicles? If it is vehicles then they should be defined by type/use of vehicle (commercial) and restricted according to land use.

- We comment having this apply to all vehicles is going too far and clearly defined restrictions would be better suited based upon prohibiting commercial or trading operations from vans/trailers, prohibiting commercial vehicles / trailers being kept on land that is not approved for commercial or industrial use, and limiting the number and type of vehicles that can be stored on certain land types without being classed as development.

- We comment "temporary" should be defined as a period of time (more than x number of weeks or months) before it is classed as a development.

- We comment this should also include temporary hoardings and scaffolding. Time limits should also be applied to stop hoardings and scaffolding being left in perpetuity.

(2) (d) (iv) – hardstanding of domestic gardens;

- We comment this should be based upon a maximum defined size/area before it is considered development if it is outside of a conservation area.

- We comment existing hardstanding replacement with similar hardstanding of the same size and permeability should not be considered development if it is outside of a conservation area.

- We comment all hardstanding work within a conservation area should be classed as development.

- We comment all hardstanding replacement should not impact permeability. [See above]

(2) (e) (i) – repairs to buildings;

- We comment "repairs" 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.

(2) (e) (iii) – painting of the exterior of buildings;

- We comment this may be going too far for most properties being repainted as part of periodic building improvements and maintenance. It could lead to significant increases in planning workload and act as a disincentive for people improving and maintaining their properties. The exception might be in Conservation Areas where the paint colour could change the character of the Conservation Area.

(3) (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;

- 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.

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?

Question 5 – do you have any detailed suggestions for matters to be included/addressed?

Yes.

- 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.

Registered Buildings Regulations

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

Yes

Please give reasons for your answer:

Schedule 2 The Protected Buildings Register

(1) – 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.

- We comment that the owner of the building should also be consulted.

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

No