



Isle of Man

Ellan Vannin

AT 10 of 2019

**TOWN AND COUNTRY PLANNING
(AMENDMENT) ACT 2019**



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Index

Section	Page
PART 1 – INTRODUCTORY	5
1 Short title.....	5
2 Commencement.....	5
PART 2 – TOWN AND COUNTRY PLANNING ACT 1999 AMENDED	6
3 Town and Country Planning Act 1999 amended.....	6
DIVISION 1 – NATIONAL POLICY DIRECTIVES	6
4 Section 2 amended.....	6
5 Section 2A inserted.....	6
6 Section 5 amended.....	6
7 Section 10 amended – national policy directives.....	6
8 Section 45 amended – national policy directives.....	6
DIVISION 2 – DEVELOPMENT PROCEDURE ORDERS	6
9 Section 10 amended – development procedure orders.....	6
DIVISION 3 – REFERRAL OF APPLICATIONS TO THE COUNCIL OF MINISTERS	7
10 Section 11 amended.....	7
DIVISION 4 – COMMUNITY INFRASTRUCTURE LEVY	7
11 Section 13A inserted.....	7
12 Section 45 amended – Community Infrastructure Levy.....	9
DIVISION 5 – PLANNING COMMITTEE	9
13 Part 4A inserted.....	9
14 Section 45 amended – planning authority and planning committee.....	9
DIVISION 6 – OUTSIDE ORGANISATIONS	9
15 Section 40 amended.....	9
DIVISION 7 – GENERAL IMPORTANCE	10

16	Section 45 amended — general importance.....	10
17	Section 45A — inserted.....	10
PART 3 — GENERAL		10
<hr/>		
18	Consequential amendments.....	10
ENDNOTES		11
<hr/>		
TABLE OF ENDNOTE REFERENCES		11

**Isle of Man***Ellan Vannin*

TOWN AND COUNTRY PLANNING (AMENDMENT) ACT 2019

Signed in Tynwald: 8 October 2019
Received Royal Assent: 8 October 2019
Announced to Tynwald: 8 October 2019

AN ACT to amend the Town and Country Planning Act 1999 to make provision for national policy directives; to clarify the matters for which provision may be made in a development procedure order; to clarify the circumstances in which an application for planning approval may be referred to the Council of Ministers; to require that any independent inspector's report relevant to such a referral be laid before Tynwald; to provide an enabling power for a community infrastructure levy; to provide for the constitution of the planning committee; to amend section 40 of that Act; to define general importance; and for connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

PART 1 – INTRODUCTORY

1 Short title

The short title of this Act is the Town and Country Planning (Amendment) Act 2019.

2 Commencement

(1) This Act (other than section 1 and this section) comes into operation on such day or days as the Council of Ministers may by order appoint.¹

Tynwald procedure — laying only.

- (2) An order under subsection (1) may include such consequential, incidental, supplementary, savings, transitional and transitory provision as the Council of Ministers considers necessary or expedient.

PART 2 – TOWN AND COUNTRY PLANNING ACT 1999 AMENDED

3 Town and Country Planning Act 1999 amended

The *Town and Country Planning Act 1999* is amended as follows.

DIVISION 1 – NATIONAL POLICY DIRECTIVES

4 Section 2 amended

- (1) [Amended subsection (2A)]
(2) [Inserted subsection (2B)]

5 Section 2A inserted

[Inserted section 2A]

6 Section 5 amended

In section 5 (validity of plans) –

- (a) [Amended section heading]
(b) [Inserted paragraph (1)(c)]
(c) [Substituted subsection (2) and inserted subsections (3) and (4)]

7 Section 10 amended – national policy directives

[Inserted paragraph 10(4)(ab)]

8 Section 45 amended – national policy directives

[Inserted definition of “national policy directive”]

DIVISION 2 – DEVELOPMENT PROCEDURE ORDERS

9 Section 10 amended – development procedure orders

- (1) [Inserted paragraph 10(6)(f)]
(2) After section 10(6), insert –

- █ (6A) If a development procedure order makes provision for the grant of minor changes to a planning approval, the order shall include provision for —
- (a) the procedure for the determination of applications for minor changes; and
 - (b) the making of orders for the payment of costs in connection with such an application. █.

DIVISION 3 — REFERRAL OF APPLICATIONS TO THE COUNCIL OF MINISTERS

10 Section 11 amended

- (1) [Substituted subsection (1) and inserted subsection (1A)]
- (2) [Amended section 11(2)(a)]

DIVISION 4 — COMMUNITY INFRASTRUCTURE LEVY

11 Section 13A inserted

After section 13 (agreements regulating development of land), insert —

█ *Community Infrastructure Levy*

13A Community infrastructure levy

P2008/29/205-223 and drafting

- (1) The Council of Ministers shall, with the concurrence of the Treasury, make regulations providing for the imposition of a charge to be known as Community Infrastructure Levy (“CIL”).
- (2) The Council of Ministers may delegate to any member or officer of the Department, or any other person, its functions under this section, other than the power to make regulations under subsection (1).
- (3) A delegation by the Council of Ministers under subsection (2) may impose conditions with which a person exercising a function under the delegation must comply.
- (4) Regulations made under subsection (1) may include provision about the matters in respect of which CIL may be charged and the procedures to be followed in connection with CIL.
- (5) Without limiting subsection (4), the regulations may make provision for —
 - (a) procedures to be followed by the Council in proposing to begin charging CIL;

- (b) procedures to be followed by the Council in relation to charging CIL;
- (c) procedures to be followed by the Council in proposing to stop charging CIL;
- (d) consultation;
- (e) the form and content of documents;
- (f) setting rates or other criteria;
- (g) the collection of CIL and provision for payment on account or by instalments;
- (h) the repayment of CIL (with or without interest);
- (i) the matters to which received CIL may be applied;
- (j) the terms and conditions of appointment and remuneration of any person in relation to charging, collecting or the enforcement of CIL;
- (k) the reimbursement of expenditure incurred by the Council (including provision for enforcement);
- (l) combining procedures in connection with CIL with procedures for another purpose of the Council (including a purpose of the Council in another capacity);
- (m) procedures to be followed in connection with actual or potential liability for CIL;
- (n) procedures to be followed in respect of an exemption from CIL or a reduction of CIL;
- (o) how the following powers are to be used, or are not to be used —
 - (i) section 13 (agreements regulating development of land); and
 - (ii) section 109A of the *Highways Act 1986* (agreements as to execution of works);
- (p) the exercise of any other power relating to planning or development;
- (q) permitting a person to exercise a discretion in respect of any matters specified in the regulations;
- (r) giving guidance by the Council about any matter connected with CIL; and
- (s) the contravention of the regulations to be an offence and prescribe a penalty on summary conviction —
 - (i) where the offence comprises a failure to pay CIL, a fine not exceeding twice the amount of the CIL due; and

- (ii) in any other case a fine not exceeding level 4 on the standard scale.
- (6) Without limiting subsection (4), CIL regulations may —
 - (a) make provision that applies generally or only to specified cases, circumstances or areas;
 - (b) make different provision for different cases, circumstances or areas;
 - (c) provide, or allow a charging schedule to provide, for exceptions;
 - (d) confer, or allow a charging schedule to confer, a discretionary power on the Council or another specified person;
 - (e) apply an enactment, with or without modifications; and
 - (f) make incidental, consequential, supplementary, transitional or transitory provision or savings (and may include provision or savings disapplying or modifying the effect of or amending an enactment). .

12 Section 45 amended — Community Infrastructure Levy

[Inserted definition of “CIL”]

DIVISION 5 — PLANNING COMMITTEE

13 Part 4A inserted

[Inserted Part 4A (sections 39B to 39G)]

14 Section 45 amended — planning authority and planning committee

- (1) Section 45 (interpretation) is amended as follows.
- (2) [Inserted definitions of “planning authority” and “planning committee”]
- (3) [Inserted subsection (3)]

DIVISION 6 — OUTSIDE ORGANISATIONS

15 Section 40 amended

In section 40 (involvement of outside organisations in planning) —

- (a) [Amended subsection (1)]
- (b) [Amended subsection (2)]

DIVISION 7 – GENERAL IMPORTANCE

16 Section 45 amended – general importance

[Inserted definition of “general importance”]

17 Section 45A – inserted

[Inserted section 45A]

PART 3 – GENERAL**18 Consequential amendments**

In section 44 of the *Town and Country Planning Act 1999* (Tynwald control of orders and regulations) –

(a) [Substituted subsection (1)]

(b) [Amended subsection (2)]

(c) [Inserted subsection (4)]

ENDNOTES

Table of Endnote References

¹ ADO – whole Act, except section 11, in operation 20/10/2019 [see SD2019/0385].