

Consultation on Proposed Changes to the Town and Country Planning (Development Procedure) Order and the Town and Country Planning (Application and Fees) Order

Closing Date: 26th January 2024

Douglas City Council Response

The Built Environment Reform Programme (BERP) was launched in July 2022 and refreshed in May 2023. It is a package of measures including (but not limited to) improvements to the planning system to facilitate delivery of Our Island Plan and the Economic Strategy, including the following key objectives of Our Island Plan:

- two key brownfield sites developed using substantial private sector leverage (whilst the metric within Our Island Plan is for key sites to be developed, the programme should aim to incentivise and unlock as much development as possible); and
- an additional 1,000 additional homes occupied.

The BERP is a two year programme of work set out to develop commitments in Our Island Plan to build great communities. It is overseen by DEFA but is a joint programme also being delivered by the Cabinet Office and the Department for Enterprise. The legislative changes proposed in this consultation will contribute to the delivery of the programme.

Area 1 – Appeal Triggers and Giving Evidence

Question 1 – Do you think the intended outcomes described are appropriate? (please give reasons for your answer)

Yes, the proposal seems sensible and much easier to understand. The triggering of third party appeals should help speed up the process – democratic and fair that a wide range of parties should be involved.

Question 2 – Do you think the proposed amendments set out in the draft orders will achieve the intended outcomes set out above? (if not please give reasons)

Yes, the amendments seems sensible.

Area 2 – Fast Track Householder Appeals

Question 3 – Do you think the intended outcomes described are appropriate? (please give reasons for your answer)

Yes, the proposal seems sensible as long as it does not turn into a tick box exercise and each planning application is given the appropriate consideration, therefore whatever is in the legislation must be adhered to.

Question 4 – Do you think the proposed amendments set out in the draft orders will achieve the intended outcomes set out above? (if not please give reasons)

Yes, the proposal seems sensible.

Area 3 – Department Applications

Question 5 – Do you think the intended outcomes described are appropriate? (please give reasons for your answer)

Yes, the proposal seems sensible to adopt a more uniform approach to determining planning applications.

Question 6 – Do you think the proposed amendments set out in the draft orders will achieve the intended outcomes set out above? (if not please give reasons)

Yes, the proposal seems sensible.

Area 4 - Minor Change Applications

Question 7 – Do you think the intended outcomes described are appropriate? (please give reasons for your answer)

Yes, the proposal seems sensible, as long as “minor” change is defined and strictly adhered to.

Question 8 – Do you think the proposed amendments set out in the draft orders will achieve the intended outcomes set out above? (if not please give reasons)

Yes, the proposal seems sensible, as long as “minor” change is defined and strictly adhered to.

Area 5 - Climate change policies

Question 9 – Do you think the intended outcomes described are appropriate? (please give reasons for your answer)

Yes, the proposal seems sensible, smaller proposals (domestic) – good point as long as thorough checks are done and corners are not cut.

Question 10 – Do you think the proposed amendments set out in the draft orders will achieve the intended outcomes set out above? (if not please give reasons)

Yes, the proposal seems sensible.

Extensions being exempt from the Climate Change requirements, we can see that it may be unreasonable for the applicant to be required to demonstrate that all of the requirements are met by the proposal as long as there isn't a loophole whereby developers can leave small sections of old buildings on brownfield sites so they can claim the new building is an extension and avoid meeting the climate change requirements.

Area 6 - Planning Application Fees

Question 11 – Do you have any comments in relation to the proposed fee changes?

No comment as long as the fees are commensurate with the application.

Area 7 - Other changes

Question 12 – Do you think the proposed other changes are appropriate? (If no, please give reasons for your answer)

Yes, the proposal seems sensible.

Question 13 – Do you have any other comments?

The Council continues to support the increase in housing provision on the Island and supports any change that streamlines this process while continuing to align with much-needed planning control, specifically in relation to the quality of the homes being built.

The Council strongly supports the development of Brownfield sites and supports the view that in addition to providing a more efficient and timely service, there are practical considerations of the challenges that developers face, which are often costly and time-consuming. These are key factors that restrict the development of these sites, particularly in Douglas, where there is a higher concentration than anywhere else on the Island.

To assist development of these Brownfield sites needs careful consideration of specific more challenging requirements to allow these developments to move forward.

The planning process needs to more strongly support the innovation within the industry and look to support schemes that are looking to incorporate these innovations within projects. These innovations have the potential to speed up development significantly whilst still providing quality buildings that meet required standards. If the Government really wants to support more rapid development of quality and energy efficient homes, there needs to be consideration of the changes these innovations will bring to the design of future buildings, embracing the changes where benefit is clear, in a timely manner.

Therefore, mechanisms to quickly consider proposals related to the development challenges highlighted above should be looked at more closely.

The Council notes that this consultation is related to Improving the Planning Process (Objective One) and would be keen to know when other consultations under the BERP umbrella are to be released, especially anything around adopting a town centre first approach (Objective 3 under Set Policy Direction) which was due to be delivered at the end of 2023. The Council is keen that each of these consultations is considered against the backdrop of the overall holistic programme and not only considered individually, risking the bigger picture intention being diluted.