

**COOIL ROAD ORDER
BACKGROUND STATEMENT
JUNE 2010**

1 Purpose of the Report

- 1.1 This paper sets out the background to the proposed Cooil Road Development Order, summarises the representations which have been received as part of the January 2010 consultation and identifies how the Department intends to proceed.

2 Background

- 2.1 In June 2006, the Minister for the Department of Local Government and the Environment, explained in a statement to Tynwald that the Department had decided not to adopt the Area Plan for Braddan which had been in preparation since 2001. In so doing, the Minister also explained that it was the Department's intention to bring forward, as soon as possible, a Development Order for industrial land within the Parish.
- 2.2 In December 2006, the Department sought representations in relation to a proposal to make a Development Order, the effect of which would be to grant Approval in Principle for the industrial development of approximately 20 hectares of land which lies in the Parish of Braddan, immediately south of Cooil Road and east of Colooney's Lane.
- 2.3 Following the approval of the Strategic Plan in July 2007, it was necessary for an Environmental Impact Assessment of the proposal to be carried out. It was also decided that as part of the overall assessment, a second report should be commissioned to determine the economic impact of the proposal. This was commissioned by the Department of Trade and Industry.
- 2.4 Following consideration of the initial public consultation and the findings of both the Environmental Impact Assessment and the Economic Impact Study a revised Development Order was prepared. In October 2009, the Minister agreed that the revised Proposed Development Order should be finalised and issued for public consultation for a period of 12 weeks.

2.5 In January 2010 the Draft Order was published for consultation. At the close of the comment period 30 responses had been received. A later letter was received from the Department of Economic Development underlining their support for the scheme.

3 Feedback from the Public Consultation

Overview

3.1 In the current round of public consultation 31 responses were received these can be broken down as follows:

Local residents	6
Business interests	8
Developers/Landowners	5
Government Departments and Agencies	6
Local Authorities	4
Interested Others	2
Total	31

3.2 Out of the above, all the local residents object to the scheme and seven of the eight business interests support the scheme, albeit with some caveats about final uses on the site. Three of the developers/landowners object to the scheme with the remaining two supporting, these two happen to be the land owners of the site. The Government Departments and Agencies mostly offer comments only on the proposals. However, the Department of Economic Development has stressed its support for the scheme. Three of the four local authorities (Port Erin, Port St Mary and Ramsey) oppose the scheme with the final (Braddan) offering comments. The two "interested others" both object to the scheme.

Summary of representations

3.3 Appended to the report is a detailed table of all the comments received. These can be categorised as follows:

i. Retail uses being allowed on the site

Comments have been received from the business community (particularly the Chambers of Commerce) which state that they are concerned that retail uses may be allowed on the site. They quote the recent decision on Appeal to allow two bulky goods retailers to operate from the Spring Valley Industrial Estate.

Department Response

The Order, as drafted, does not grant permission for specific retail uses, any such proposal would need to be submitted as a planning application and a decision would be made under the prevailing planning policy documents.

ii. Economic Need

Many of the submissions have quoted that under the existing policy framework the proposal falls under General Policy 3 section (g) of the Isle of Man Strategic Plan. This states that;

Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

(g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative

The submissions which have quoted this policy reference have gone on to argue that there is not a robust body of evidence to prove an "overriding national need".

There are also a number of respondents, notably the Local Authorities, which feel that a development of this nature and scale in this location would hinder the economic growth opportunities elsewhere in the Island. This opinion is balanced by that expressed by four of the "business interest" respondents who feel that this development is needed for their business requirements and express a desire to occupy sites.

An argument has also been made that the provision of more office space at the Cooil Road would have a negative impact on office development within the centre of Douglas.

Some respondents have referred to the Employment Land Availability Study stating that it is out of date and should not be relied on. It is also felt that the study assumes there to be far less available land than that which is actually available, therefore the argument that there is an urgent need for the land to be made available is weakened.

Department Response

The Department has recently updated figures on Employment Land Availability and these are being published at the same time as this report. The Department of Economic Development has continued to support the progression of the Cooil Road Order.

Area	Land Currently zoned for Employment Use (ha)	Land currently available expressed as a % of that currently zoned
North	21.92	55%
South	75.39	54%
East	100.05	16%
West	25.15	40%
Total for Island	222.51	36%

As this illustrates there is a need for more employment land to be zoned within the East of the Island.

iii. **The making of the Order would pre-empt the production of the Area Plan for the East**

There have been numerous calls that by making the Development Order the Department is pre-empting the Area Plan for East which is when due consideration should be given to the allocation of land.

Department Response

Ideally this type of re-zoning of land would be considered through the Area Plan process. However, occasionally there is a need, and the Town and Country Planning Act 1999 makes provision for, the re-zoning of land outwith the Area Plan Process. The making of a Development Order, although more expedient than the Area Plan process is just as valid. In the case of this Development Order evidence has been gathered, views sought through two lengthy periods of consultation, the Department has agreed that there is a need to discuss the implications of the Order at a Public Inquiry chaired by an independent Planning Inspector and the final Order will be debated in Tynwald.

Making the Order will effectively grant outline planning permission by early 2011. By following the Area Plan process and taking into consideration how long the production of the Area Plan for the South has taken it would be likely to take an additional three to four years to be in a similar position.

iv. Insufficient consideration of alternative sites

Many of the objections have raised the issue that other possible sites for this development have not been considered. One respondent (Dandara) have referred to a site which they feel is a viable alternative to the Cooil Road site. They have stated that they would like to promote their Middle Farm site to the Inspector at the Planning Inquiry.

Some responses have also raised the point that alternative sites have seemingly been dismissed as they are identified as Areas of High Landscape Value when the site in question is also within such an area.

Department Response

There has been a commitment to pursue a Development Order at Cooil Road since 2006. Whilst admittedly it has taken longer than expected to get to Planning Inquiry stage the Department maintains that there is a need for additional industrial land and that this is a good location. Dandara's suggestion for Middle Farm site to be considered as a viable alternative was made known late in the process and the Department is not persuaded that

the characteristics of this alternative site are such to halt pursuance of the Development Order at Cooil Road at such an advanced stage. Whilst the submission from Dandara does not specify a particular site, an assumption has been made that the site is the same as was considered as part of the abandoned Braddan Plan Inquiry (land near the Energy to Waste Plant bounded by the A5 and the A6). The Inspector at the time when considering this site for development stated that "*..this area of open space close as it is to a major new industrial plant should be protected for its own sake and for the contribution it makes to the open nature of the area surrounding the new plant. The entrance to Douglas from the south and west would not be enhanced by any development of whatever nature on this area of land. The Plan should not be amended.*"

It is accepted that the Cooil Road site lies adjacent to an Area of High Landscape Value however it is not within such an area.

v. Impact on Wildlife

Apart from general concerns about the impact on wildlife and the loss of habitat a number of specific concerns have been raised about the impact on the wetland area of the site and on birds of prey, frogs and bats.

Department Response

A full Environmental Impact Assessment has been undertaken and as part of 5(3) of the Order it is specified that ecological surveys of the site which address in particular frogs, lizards and bats should be undertaken on the first application for the approval of the details of building, engineering or other operations.

vi. Landscape Impact

Manx National Heritage has mentioned that there would be an impact on views from the Home of Rest for Old Horses on Richmond Hill. This is an important visitor attraction which MNH does not feel has been adequately considered. They have suggested that it will be necessary to ensure screening of the Cooil Road development is sufficient to preserve the view which is part of the visitor experience.

Department Response

Section 5(1) (b) (ii) of the Draft Order states that at the time of first application a master plan will be produced which will include a landscaping scheme which will set out proposals for peripheral planning designed so as to mitigate any adverse visual impact of the development in views from Richmond Hill.

vii. Impact on Ballavagher Farmhouse

The majority landowner (Tesdale Ltd) wants less stringent controls in respect of the farmhouse whilst Manx National Heritage endorse the precautionary approach adopted in the Order. MNH have requested that a full investigation of the house, outbuildings and garden is undertaken before final decisions are made about the future of the building, outbuildings and gardens. Tesdale Ltd has appointed a consultant who has reported that there is no reasonable basis for requiring the retention of the farmhouse and its garden or the stone constructed farm buildings, nor the in situ preservation, wherever possible, of all archaeological remains. The landowner also states that ground conditions on the site mean that it would not be possible to have a geophysical survey of the whole site. This is countered by comments from MNH who state that whilst the proposals for a geophysical survey are welcome it should be recognised that this is only one of several methodologies which could or should be employed to further understanding of the archaeological potential of the site.

Department Response

The reference to the importance of Ballavagher Farm and associated outbuildings and gardens should remain within the Order. It would be sensible to consider amending the Order to include a reference to the different survey techniques.

viii. Comments from the owners of neighbouring properties

The comments received from the owners of neighbouring properties refer mainly to process, the economic need and impact on wildlife as indicated above. However, they also raise the immediate impact on their properties.

There have been fewer objections from the neighbours than received in response to the 2006/7 consultation (13 previously now 6). Many want stronger assurances regarding their privacy they do not feel that at present there is enough information provided to afford them sufficient protection and therefore state that they will continue to oppose the scheme.

Department Response

Following the comments submitted on the previous consultation the Draft Order was amended before the 2010 consultation. These amendments included strengthening the details which will be required at the time of first application. This now includes reference to the provision of a master plan which would include a landscaping scheme which will include proposals for screening the development from the buildings fronting on to Colooney's Lane south of the Cooil Crossroads.

ix. Comments from the landowners

Tesdale Ltd. is the majority landowner at the Cooil Road. They are in support of the scheme but as part of this consultation process they have submitted a number of detailed comments relating to the wording of the Draft Order. They have also submitted an additional site plan which seeks to extend the area under consideration in order to accommodate enough land to provide an appropriate roundabout junction at the proposed access road into the site. Tesdale Ltd has also suggested changes to section 5(2) and the removal of sections 5 (3), 5 (4), 6 (a) and (b).

There is a second landowner at the Cooil Road (Rose Lea Ltd.) who owns approximately 7 acres of land stretching from the roundabout at the Isle of Man Business Park to the boundary with Colooney's Lane. They welcome the Draft Order but have expressed concerns over being isolated from the overall development. They also have raised concerns about access; they would prefer to utilise the existing roundabout and have requested that this is investigated as part of the masterplan process.

Department Response

The comments from Tesdale Ltd. are noted but the suggested changes to the Draft Order in relation to the information required under paragraph 5 and 6 are rejected at this stage. The comments from Rose Lea Ltd. are addressed through the change to the wording of the Order which seeks to ensure that a Masterplan for the whole site is prepared.

4 Changes made to the Draft Order January 2010 version

4.1 The Draft Order which was consulted on in January 2010 has been amended in the light of the consultation and the recent re-organisation of Government. Given below is a schedule of the changes made and the justification for these changes.

Change made	Justification
Date change	To reflect that this is an updated Draft Order
Department title changed to Department of Infrastructure (and where necessary reference to the Highways Division rather than DoT)	To reflect change in Department name following Government reorganisation.
Site boundary extended slightly	To reflect request from Tesdale Ltd. Extension is required to ensure sufficient land is available to accommodate the necessary access into the site.
Addition of 3(d) to Schedule 2	To reflect comments from the Water and Sewerage Authority in relation to the need to ensure that adequate provision is made for drainage.
Change in 5 (1)	This now clarifies that the masterplan should apply to the whole site.
Addition of new 5 (1) (d)	To reflect comments from the Water and Sewerage Authority in relation to the need to ensure that adequate provision is made for drainage.
Addition of new 5 (1) (e)	To reflect comments from the Highways Division in relation to the need to ensure that adequate provision is made for transport issues.
Change in 5(5)	To reflect comments from Mans Heritage that there are alternative survey techniques which could be used.

Removal of the words <i>if any</i> from 6	Clarification
Change of word <i>development</i> to be substituted with the word <i>operations</i> at 6 (a) and (b)	Clarification
Grammatical error rectified at para 7.	Clarification

5 Next Steps

- 5.1 In the light of all the comments received and the objections to the Draft Order the Department, after due consideration, has decided that a Public Inquiry should be organised to enable a full and open discussion to take place.