



# Department of Economic Development

*Rheynn Lhiasaghey Tarmaynagh*

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**Isle of Man  
Government**

*Reillys Ellan Vannin*

27<sup>th</sup> April 2010

Mr Ian McCauley  
Director of Planning & Building Control  
Dept of Infrastructure  
Murray House  
Mt Havelock  
Douglas  
IM1 2SF

Dear Ian

Thank you for your letter of 22<sup>nd</sup> April 2010, addressed to Colin Kniveton, regarding the Draft Cooil Road Development Order. The matter has been passed to me for a response as the letter was originally addressed to the DTI.

The DTI decided not to respond to the consultation process for two reasons:

Firstly, we had been involved in the development of the background statement and provided part of the evidence base. Our involvement at this stage was successful and we were content that the Order and background statement supports the aims of the DTI and now the Department of Economic Development.

Secondly, the Department is fully supportive of the Order and do not have any further comments to make as part of the consultation process.

I trust that this letter clarifies our support for the Order which the Department of Economic Development sees as an important aspect of the future development of the economy of the Island.

Yours sincerely

Michael Morrison BSc (Hons) MRPharmS PgDL  
Chief Operating Officer (Acting)

**Corporate Services  
Hamilton House  
Peel Rd, Douglas  
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RECEIVED ON

30 APR 2010

DEPARTMENT OF  
INFRASTRUCTURE

DICKINSON CRUICKSHANK, RAMSEY  
ADVOCATES & NOTARIES

PARTNERS: R A E JELSKI, S C WATSON

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Our Ref: RAEJ/AC

29th March 2010

Planning and Building Control Directorate  
Murray House  
Mount Havelock  
Douglas IM1 2SF



*For the attention of Brian Sinden*

Dear Sirs

**Re: Proposed Development Order – Cooil Road Braddan**

We act for Ballachrink Limited of Masonic Buildings Water Street Ramsey which is the owner of a substantial area of land situate within Ramsey and which is partly zoned at present for industrial/business park use at Ballachrink/Pooildhooie Ramsey.

Mr W H Kennaugh of Kiltrellig House Hillberry Green Douglas has shown to us his submission dated the 12<sup>th</sup> March 2010 which he has prepared in opposition to the proposed Development Order. We are writing to advise that our client Company is fully supportive of the matters set out in the submission and would ask that this Company's interest in the matter be noted and that the Company has requested that Mr Kennaugh should if possible represent the Company in opposition to the proposal.

Yours faithfully

A handwritten signature in cursive script, appearing to read "D. Cruickshank", written in dark ink.

DICKINSON CRUICKSHANK RAMSEY

## Curphey, Emily

---

**From:** Curphey, Emily on behalf of DLGE, Planning Policy  
**Sent:** 23 March 2010 10:44  
**To:** 'Claire Bassett'  
**Subject:** RE: Fao Ms Curphey re Cooil Road Development Order from The Retail Committee of the Chamber of Commerce

Dear Mr Bradley

Thank you for submitting comments on the Cooil Road Order. These comments will be analysed along with all others received before a report is put to the Department. The Department will then decide how best to proceed.

Kind regards

Emily Curphey

Emily Curphey MRTPI  
Planning Policy Officer  
Directorate of Planning and Building Control  
Department of Local Government and the Environment  
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Mount Havelock  
Douglas  
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---

**From:** Claire Bassett [mailto:Claire.bassett@themillshop.co.im]  
**Sent:** 22 March 2010 13:29  
**To:** DLGE, Planning Policy  
**Subject:** Fao Ms Curphey re Cooil Road Development Order from The Retail Committee of the Chamber of Commerce

Dear Ms Curphey

Please find attached comments from the Retail Committee of the Chamber of Commerce.

These comments are brought forward after careful consideration and as promptly as possible, as we wish to see this Development Order progressed and our points clarified.

Thank you for your patience

Yours sincerely

Stephen Bradley

Chairman of the Retail Committee of the Chamber of Commerce.



The Chamber of Commerce and the Retail Committee of the Chamber of Commerce are supportive of plans for economic development, including the Cooil Road Development Order, especially in these uncertain times.

We can see from the Employment Land Availability Report provided by DoLGE in April 2007 that there is a shortage of zoned employment land in the Douglas area.

The re zoning of any land needs careful consideration, rezoning is effectively deciding upon the use of that land. The zoning or classification process puts areas into use classifications as laid out in The Town and Country Planning (Permitted Development) Order 2005.

These use classifications are then interpreted by the private sector and the planning committee for individual planning applications to come forward and be determined

The Retail Committee of the Chamber of Commerce are concerned that very recent Planning Appeal decision on Unit 6, Spring Valley Industrial Estate, currently zoned as class 5 and class 6 under schedule 4 of the 2005 Order, will have an impact on the remodelling of existing industrial areas/business parks and any land being brought forward by broadening the retail opportunities to ones beyond those intended by Tynwald for employment land, especially given its location on the outskirts of Douglas.

We are concerned that the interpretation of uses within classifications has been changed by the decision on the Spring Valley Industrial Estate "Pets at Home/ Halfords Appeal"

The Inspector in reporting on the appeal into the Pets at Home/ Halfords Appeal found difficulty in interpreting current Tynwald legislation, in particular that relating to Out of Town Retailing;

*"Retailing will not be permitted except where either .... a. the items to be sold could not reasonably be sold from a town centre location because of their size or nature" b. The items to be sold are produced on the site and their sale could not reasonably be severed from the overall business.*

#### **Isle of Man Strategic plan 2007**

In seeking clarification and further information the Inspector has given weight in the "Pets at Home / Halfords application" to the recent Roger Tym Retail Study rather than Tynwald Orders for help in defining what can be sold out of town. This is a new definition and gives up far wider uses for land zoned for light Industrial class 6.

*"Goods generally sold from retail warehouses and where goods are normally of such a size that they would be taken away by motor vehicle and not be manageable by customers travelling on foot, cycle or bus"*

#### **Roger Tym Study 2009**

In shifting the emphasis from the Tynwald Order definition, to that provided by the Roger Tym Study and common in UK legislation, we believe the nature and scope of all employment land, including the land subject to the proposed Development Order, has changed, in that potentially the uses of employment land could now include an out of town retail park similar to many in the UK as the range of goods which could be sold as bulky goods has been effectively broadened by the Pets at Home/Halfords decision.

We believe that this less restrictive interpretation of the definition of bulky goods is contrary to Isle of Man Government Policy and the intentions of Tynwald as laid out in the Strategic Plan 2007, the Braddan Parish Plan 1991 and the draft Braddan Plan 2001 (subsequently withdrawn). If this logic were to be applied on other employment land on the Island, including the land proposed under the Cooil Road Development Order, we believe this would have a significant impact on the existing town centres on the Island.

As we have repeated on a number of occasions we do not wish to object to employment land, including the proposed Cooil Road Development Order, coming forward for general economic development by means of established light industry and business park uses. In fact we encourage its development. However we ask that DLGE consider drafting the guidance notes that the Inspector in the Pets at Home/Halfords Appeal considered are lacking in the Strategic Plan to assist with the definition of land permissible for retailing of bulky goods under Business Policy 5(a). Such guidance notes should allow a return to the previously held understanding of Chamber, DLGE and Tynwald on retailing of bulky goods.

Stephen Bradley

Chairman of the Retail Committee of the Chamber of Commerce.

## Curphey, Emily

---

**From:** Curphey, Emily on behalf of DLGE, Planning Policy  
**Sent:** 22 March 2010 08:33  
**To:** 'Ramsey Chamber of Commerce'  
**Subject:** RE: Cooil Road Draft Policy

Dear Chris

Thank you for submitting comments on the Cooil Road Order. These comments will be analysed along with all others received before a report is put to the Department. The Department will then decide how best to proceed.

Kind regards

Emily Curphey

Emily Curphey MRTPI  
Planning Policy Officer  
Directorate of Planning and Building Control  
Department of Local Government and the Environment  
Murray House  
Mount Havelock  
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**From:** Ramsey Chamber of Commerce [mailto:rcoc@manx.net]  
**Sent:** 21 March 2010 12:06  
**To:** DLGE, Planning Policy  
**Subject:** RE: Cooil Road Draft Policy

Dear Emily,

Due to time constraints I have been unable to discuss this matter further with our membership. So with this deadline I would only be able to re-iterate that concern has been expressed that due to recent events with regard to the "Halfords and Pets at Home" planning applications, that this land should not be available for future use as a retail park. If the land was to be used solely as light industrial or a Business Park then we have not had any members express concern.

Lesh yeearreyn share  
(With best wishes)

Chris Blatcher  
Chairman  
Ramsey Chamber of Commerce


The Ramsey Warehouse,  
37 Parliament Street,  
Ramsey,  
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RAAUE: S'preevaadjagh yn ghaghteraght post-l shoh chammah's coadanyn erbee currit marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmydey yn chooid t'ayn er aght erbee dyn kied leayr vel'n choyrtagh. Mannagh nee shlu yn enmyssagh klarit jeh'n phost-l shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha leah as oddys shiu.

**From:** Curphey, Emily [mailto:Emily.Curphey@dlge.gov.im] **On Behalf Of** DLGE, Planning Policy

**Sent:** 15 March 2010 09:32

**To:** Ramsey Chamber of Commerce

**Subject:** RE: Cooil Road Draft Policy

Dear Mr Blatcher

Thank you for your email and your phone message. As you are aware the closing date for comments on the Cooil Road Development Order was on Friday 12<sup>th</sup> March. However we are prepared to extend this deadline until Monday 22<sup>nd</sup> March which I hope will allow you enough time to formulate a response. Should you wish to discuss this with me then please contact me.

Kind regards

Emily Curphey

Emily Curphey MRTPI  
Planning Policy Officer  
Directorate of Planning and Building Control  
Department of Local Government and the Environment  
Murray House  
Mount Havelock  
Douglas  
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**From:** Ramsey Chamber of Commerce [mailto:rcoc@manx.net]

**Sent:** 12 March 2010 16:40

**To:** DLGE, Planning Policy

**Cc:** JAC - John Blatcher

**Subject:** Cooil Road Draft Policy

**Importance:** High

Dear Emily,

As an organisation we would like to be included as an interested party with regard to the Cooil Road Development. We have had several members express concern about this development particularly with regard to the recent planning decision made to allow Pets at Home and Halfords provide a retail service from a light industrial zone.

As this has just been brought to our attention we would like time to consult fully with our members and consider the impact to the Island and Ramsey.

As an organisation, developments of this nature can have dramatic negative effects and should be given due consideration especially with the financial status of the Island at present.


Lesh yeearreeyn share  
(With best wishes)

Chris Blatcher  
Chairman  
Ramsey Chamber of Commerce

The Ramsey Warehouse,  
37 Parliament Street,  
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Cha nel kied currit da failleydagh ny jantagh erbee conaant y yannoo rish peiagh ny possan erbee lesh post-l er son Rheyynn ny Boayrd Slattyssagh erbee jeh Reiltys Eilan Vannin dyn co-niartaghey scrut leayr veih Reireyder y Rheyynn ny Boayrd Slattyssagh t'eh bentyn rish.



**Curphey, Emily**

---

**From:** Curphey, Emily on behalf of DLGE, Planning Policy  
**Sent:** 22 March 2010 08:33  
**To:** 'Stephen Harrison'  
**Subject:** RE: Proposed Development Order - Cooil Road, Braddan.

Dear Mr Harrison

Thank you for submitting comments on the Cooil Road Order. These comments will be analysed along with all others received before a report is put to the Department. The Department will then decide how best to proceed.

Kind regards

Emily Curphey

Emily Curphey MRTPI  
Planning Policy Officer  
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**From:** Stephen Harrison [mailto:Stephen.Harrison@rtc.gov.im]

**Sent:** 19 March 2010 16:31

**To:** DLGE, Planning Policy

**Subject:** Proposed Development Order - Cooil Road, Braddan.

Dear Sir/Madam,

write to advise that Ramsey Town Commissioners considered the recent submissions on 17th March, 2010 in respect of the Proposed Development Order for Cooil Road, Braddan, such submissions being a letter dated 10th February, 2010 from Quinn Legal and a letter and letter and enclosures from Kaz Ryzner Associates on behalf of Tesdale Limited dated 28th February, 2010.

At their monthly Board Meeting held on 17th March, the Ramsey Town Commissioners resolved to submit the view that:-

**Rezoning of agricultural land at Cooil Road, Braddan should not take place whilst there are other existing areas around the Island which are suitably zoned for the proposed purposes.**

Whilst it is acknowledged that the consultation period ended on 12th March, the Board Meeting when this matter was considered was held after that date, however it is hoped that the Ramsey Town Commissioners views may be put forward when this matter is further considered,

Yours faithfully,

Stephen Harrison

P. S. Harrison A.B.Eng., TechRICS  
Chief Technical Officer

## Curphey, Emily

---

**From:** Curphey, Emily  
**Sent:** 15 March 2010 08:54  
**To:** Selman, Richard  
**Subject:** RE: Cooil Road Order

Dear Richard

Thank you for your comments. We are currently analysing all the comments received before putting a paper to our Department. Following this a decision will be made about whether or not to progress with the Order and if so how best to do this.

Kind regards

Emily

Emily Curphey MRTPI  
Planning Policy Officer  
Directorate of Planning and Building Control  
Department of Local Government and the Environment  
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---

**From:** Selman, Richard  
**Sent:** 12 March 2010 20:14  
**To:** Curphey, Emily  
**Subject:** Cooil Road Order

Emily,

In response to your consultation, I offer the following comments.

wildlife protection will centre around the protection of wetlands against damage and against pollution during construction, the retention of trees and hedges where possible (can any more be retained?), keeping lighting away from trees and hedges where bats may be present, and undertaking clearance outside of the bird breeding season (ideally September-February).

It is good to see the retention of the wildlife area adjacent to the current roundabout (Field 3), though I notice that the internal road is proposed to cut through the hedge behind this. I see that bats, including brown long-eared (that forage in woodlands and along tree lines) were observed using the hedgeline (Hedge F) as a route and navigation line to the wetland area. Is it necessary to link the two sides of the site with a road, cutting off the wetland, or merely access them from different points? If it is necessary to put a road right through then could this hedge be retained with a relatively narrow gap in order that the gap for bat crossing is minimised (woodland bats will commonly avoid crossing open areas) and minimise road lighting at that point? If it were a cul-de-sac then bats could move around the other hedges and along the Cooil Road but this will also be cut through. Narrow gaps won't matter, wide ones might.

There is a wetland used for water treatment, linked to Robinsons. Although I would think that this is mainly outside of the site, there is great potential to damage this either directly or through damage to the shallow pipe connecting the wetland to Robinsons. I recommend that you discuss this with Dru Leoidson,

who has organised the running of the wetland. The other wetland is better protected due to the hedges though clear fencing will be necessary to protect it during works.

I trust that these comments are helpful.

Kind regards,

Richard

Dr RG Selman  
Senior Wildlife & Conservation Officer (Zoologist)  
Wildlife & Conservation Division  
Department of Agriculture, Fisheries & Forestry  
Knockaloe Farm  
Peel  
Isle of Man  
IM5 3AJ  
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# Manx National Heritage *Eiraght Ashoonagh Vannin*

Presenters of the Story of Mann

Manx National Heritage, Douglas, Isle of Man IM1 3LY  
*Eiraght Ashoonagh Vannin, Doolish, Ellan Vannin IM1 3LY*

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RECEIVED ON  
15 MAR 2010  
DEPT. OF LOCAL GOVERNMENT  
AND THE ENVIRONMENT

Our Ref: P9/1/ADF

12<sup>th</sup> March, 2010

Mrs Emily Curphey  
Planning Policy  
Department of Local Government and the Environment  
Murray House  
Mount Havelock  
DOUGLAS  
IM1 2SF

Dear Mrs Curphey

## **Cooil Road: Environmental Assessment and Development Order**

MNH welcomes the opportunity to respond to the draft Development Order and acknowledges receipt of the various reports which inform this response.

The following comments relate to Manx National Heritage's powers and duties as defined by the Manx Museum and National Trust Act. We comment first on the Environmental Impact Assessment (EIA) and secondly on the draft Order arising from it.

## **The Environmental Impact Assessment**

### 5.0 Landscape and Views Chapter

The potential visual impact experienced by public visitors to the Home of Rest for Old Horses at Bulrhenny does not seem to have been taken into account in the consideration of potential Visual Receptor Points. This property has been assessed purely as a 'private' receptor, whereas it is a popular visitor destination in season.

We consider that the views from Bulrhenny north-westwards along the Middle River valley are pleasantly leafy and rural. It will be necessary to ensure that screening of the Cooil Road development is sufficient to preserve this view, which is part of the visitor experience.

### 6.0 Ecology Chapter

It should be noted that, although there are no designated protected wildlife areas in the Development Order area, there are areas of wetland and open water which would fall within the Isle of Man's commitment to the Ramsar Convention, which directs contracting parties to make

'wise use of wetlands'. Measures proposed to preserve and enhance the wildlife value of the pond and wetland area in field 3 are to be welcomed. Likewise, the Middle River and its tributaries are recognised in the EIA as receptors of ecological impact, despite lying outside the site boundary. It is essential that all measures necessary to intercept possible pollution exiting the site are operational as development is realised in order to protect the river and comply with the Island's responsibilities under Ramsar.

Suggestions for landscaping and habitat creation and management to mitigate the impact of development are also welcome. The use of native trees and shrubs in planting schemes would benefit some of the wildlife which would otherwise be displaced. Used imaginatively, and with aftercare, native species could, over time, provide an effective screen to the industrial development from a number of viewpoints as well as supplying new habitats for colonisation by a variety of species. We would recommend involvement by Government Wildlife and Conservation Officers and the Wildflowers of Mann for advice on appropriate plantings and management.

Provision of bat roosting and bird nesting boxes as replacement for habitat lost during alterations to Ballavagher farm is a sensible precautionary measure, though it would be better to work around the sites likely to be inhabited by swallows or bats and to try and accommodate them within the existing buildings, if these are to be retained.

We note that there is an inconsistency between the Draft Order Conditions and the fourth bullet point of paragraph 6.46 of the EIA. The latter points to a predicted construction phase impact of 'loss of all buildings at Ballavagher Farm', whereas Condition 7(b) of the Draft Order states that 'These proposals – shall include the retention of the extant farmhouse and formal garden and the stone constructed farm buildings at Ballavagher.' We wish to record our strong support for the retention of the farmhouse and potentially also the stone farm buildings.

## 7.0 Cultural Heritage Chapter

We endorse the precautionary approach taken by this chapter, in particular its emphasis on the prehistoric cultural potential of the area and the historical interest of Ballavagher farmstead. This is well summarised at paragraph 7.29, *Rarity*; the international significance of the source of Group XXV Neolithic stone axes is particularly important.

We also note that the assessment comments on the group value, survival/condition, vulnerability, and diversity of the cultural heritage in the area, before making an assessment of their significance. We endorse this approach which demonstrates a close understanding and knowledge of the potential for cultural remains to survive which has informed the ultimate assessment of their significance.

We concur with the conclusions of the assessment (paragraphs 7.49 - 7.51 and table), noting the precautionary content of paragraph 7.50. We believe under the circumstances that additional assessment and evaluation is required.

## **The Draft Development Order**

With regard to the draft Order, we would like to record the following comments.

### General

It is unclear in the draft Order where the responsibilities lie for compliance with the proposed Conditions of Approval. It may be helpful to clarify who is to make the 'first application' and thereby take on the burden of the master plan and other reports, surveys and mitigation. There is an assumption that the present (we understand, single private) owner will make the first application and subsequent applications may then be made by the same or other applicants. It is not clear to us, however, whether the Order as drafted would remain workable were the existing owner to divide the property *before* the first application was made.

### Landscape and Views

It will be necessary to ensure that screening of the Cooil Road development is sufficient to preserve views from the publicly accessible Home of Rest for Old Horses at Bulrhenny, as this is part of the visitor experience.

### Ecology

The reporting in the EIA of an absence of areas of recognised significant wildlife value is noted, as is the involvement of the Manx Wildlife Trust, Manx Bat Group and Manx Bird Life in providing up-to-date and reliable ecological information which can be judged in an Isle of Man context. However, there are clearly still some areas of wildlife interest which will be lost as a result of development, eg marshy grassland and some boundary features, and it is appropriate for there to be conditions which limit the damage or provide mitigating habitat enhancement. Manx National Heritage therefore supports the conditions 5(3), 5(4) and 6(a) set down in the draft Development Order and informed by the Environmental Impact Assessment paragraphs 6.71 through to 6.90, with the additional comments on the EIA below. We incidentally note that there is opportunity for confusion caused by the numbering scheme of the sub-conditions within the table under Condition 5, particularly 5(6) and 5(7), and the subsequent Conditions 6 and 7. We would suggest that the conditions within the table should be re-numbered 5.1 - 5.7.

Once again we note the inconsistency between the Draft Order Conditions and the fourth bullet point of paragraph 6.46 of the EIA. The latter assumes the 'loss of all buildings at Ballavagher Farm', whilst Condition 7(b) of the draft Order states that 'These proposals – shall include the retention of the extant farmhouse and formal garden and the stone constructed farm buildings at Ballavagher.' We wish to record our strong support for the retention of the farmhouse and stone farm buildings.

### Cultural Heritage

We note that the draft conditions contained within the draft Order were drawn up by the Planning Office without reference to MNH.

We welcome the proposals (Condition 5(5)) for a geophysical survey of the site. It should however 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.

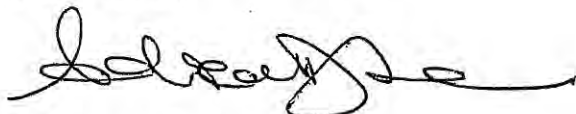
We note that a separate Condition 5(6) requires a 'full assessment of the risks to archaeological remains within the site (if any)', whilst Condition 5(7) requires the preparation of a mitigation strategy, with emphasis on preservation in situ and a requirement to retain Ballavagher farmhouse, stone buildings and planned garden.

We suggest that the order of Condition 5(5) and 5(6) should be reversed. We note that the assessment strategy, including any proposed geophysical survey, should be discussed with MNH to define methodology and scope, and that on the basis of a written scheme of investigation agreed with MNH a licence for fieldwork including any archaeological excavation will be issued under the terms of the Manx Museum and National Trust Act.

We note that only a very preliminary cultural assessment of the Ballavagher garden was undertaken as part of the EIA. We therefore suggest that the Ballavagher farmhouse, stone outbuildings and garden should be the subject of appropriate historical survey, which may of course demonstrate that the outbuildings and garden are of limited historical significance. However we note that the established garden also has potential ecological value (EIA paragraph 6.46) and as such its retention and continued association with the farmhouse as required by Condition 7 has our full support. It is possible of course that a careful historical survey may elucidate that a certain amount of alteration is both acceptable and desirable as a means of finding a continued use for the farmhouse, guaranteeing its preservation into the future.

We trust that these comments will be of use in the Department's deliberations.

Yours sincerely



**Dr Andrew D. Foxon**  
**Head of Professional Services**

## Curphey, Emily

---

**From:** Curphey, Emily on behalf of DLGE, Planning Policy  
**Sent:** 15 March 2010 09:32  
**To:** 'Ramsey Chamber of Commerce'  
**Subject:** RE: Cooil Road Draft Policy

Dear Mr Blatcher

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Kind regards

Emily Curphey

Emily Curphey MRTPI  
Planning Policy Officer  
Directorate of Planning and Building Control  
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**From:** Ramsey Chamber of Commerce [mailto:rcoc@manx.net]  
**Sent:** 12 March 2010 16:40  
**To:** DLGE, Planning Policy  
**Cc:** JAC - John Blatcher  
**Subject:** Cooil Road Draft Policy  
**Importance:** High

Dear Emily,

As an organisation we would like to be included as an interested party with regard to the Cooil Road Development. We have had several members express concern about this development particularly with regard to the recent planning decision made to allow Pets at Home and Halfords provide a retail service from a light industrial zone.

As this has just been brought to our attention we would like time to consult fully with our members and consider the impact to the Island and Ramsey.

As an organisation, developments of this nature can have dramatic negative effects and should be given due consideration especially with the financial status of the Island at present.

Lesh yeeareeyn share  
(With best wishes)

Chris Blatcher  
Chairman  
Ramsey Chamber of Commerce



The Ramsey Warehouse,  
37 Parliament Street,  
Ramsey,  
Isle of Man.  
IM8 1AT

Tel: 01624 813092  
Fax: 01624 818011

Email: [jacramsey@manx.net](mailto:jacramsey@manx.net)



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RAAUE: S'preevaadjagh yn chaghteraght post-l shoh chammah's coadanyn erbee currít marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmydey yn chooid t'ayn er aght erbee dyn kied leayr veih'n choyrtagh. Mannagh nee shiu yn enmyssagh kiarit jeh'n phost-l shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha leah as oddys shiu.

**Curphey, Emily**

---

**From:** Curphey, Emily on behalf of DLGE, Planning Policy  
**Sent:** 15 March 2010 09:25  
**To:** 'JAC Distribution Ltd - John'  
**Subject:** RE: Proposed Development Order - Cooil Road, Braddan

Dear Sir/Madam

Thank you for submitting comments on the Cooil Road Order. These comments will be analysed along with all others received before a report is put to the Department. The Department will then decide how best to proceed.

Kind regards

Emily Curphey

Emily Curphey MRTPI  
Planning Policy Officer  
Directorate of Planning and Building Control  
Department of Local Government and the Environment  
Murray House  
Mount Havelock  
Douglas  
Isle of Man  
IM1 2SF

Telephone 01624 685 161  
Fax 01624 686 443

**From:** JAC Distribution Ltd - John [mailto:jacdouglas@manx.net]  
**Sent:** 12 March 2010 15:59  
**To:** DLGE, Planning Policy  
**Cc:** jacramsey@manx.net  
**Subject:** Proposed Development Order - Cooil Road, Braddan

^TN Emily Curphy

Reference the Proposed Development order.

We wish to register our objections to this order. Past planning decisions of this nature have been interpreted to allow retail developments under these descriptions; any further orders must be unambiguous in their interpretation.

We will of course supply complete objections prior to any date set for a hearing.

Lesh yeearreeyn share

(With best wishes)

John Blatcher

Director

JAC Distribution Ltd

8 - 8a Castle Street,

Douglas,

Isle of Man.

IM1 2EU

Tel: 01624 625720

Fax: 01624 671164

Email: [jacdouglas@manx.net](mailto:jacdouglas@manx.net)



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RAAUE: S'preevaadjagh yn ghaghteraght post-l shoh chammah's coadany'n erbee currit marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmydey yn chooid t'ayn er aght erbee dyn kied leayr veih'n choyrtagh. Mannagh nee shiu yn enmyssagh kiarit jeh'n phost-l shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha leah as oddys shiu.

**Curphey, Emily**

---

**From:** Curphey, Emily on behalf of DLGE, Planning Policy  
**Sent:** 15 March 2010 09:35  
**To:** 'Colin Whiteway'  
**Subject:** RE: Cooil Road Development Order

Dear Sir

Thank you for submitting comments on the Cooil Road Order. These comments will be analysed along with all others received before a report is put to the Department. The Department will then decide how best to proceed.

Kind regards

Emily Curphey

Emily Curphey MRTPI  
Planning Policy Officer  
Directorate of Planning and Building Control  
Department of Local Government and the Environment  
Murray House  
Mount Havelock  
Douglas  
Isle of Man  
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---

**From:** Colin Whiteway [mailto:colin@braddan.gov.im]  
**Sent:** 12 March 2010 16:42  
**To:** DLGE, Planning Policy  
**Subject:** Cooil Road Development Order

Dear Sir

Please see attached for your information

*J C Whiteway MBA*  
Clerk to Braddan Commissioners  
Close Corran  
Union Mills  
Braddan  
IM4 4LZ

Telephone: 01624 852808  
Facsimile: 01624 852180  
Email: [colin@braddan.gov.im](mailto:colin@braddan.gov.im)  
Web: [www.braddan.gov.im](http://www.braddan.gov.im)

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Thorliels Cross Kirk Braddan  
by Maureen Costain Richards

# Braddan Parish Commissioners

## *Barrantee Skylley Vraddan*

Commissioners' Office, Close Corran,  
Union Mills, Braddan, Isle of Man, IM4 4LZ.  
Telephone (*Chellvane*): (01624) 852808  
Fax Line only (*Facs*): (01624) 852180  
E-mail (*Post-L*): [braddan@manx.net](mailto:braddan@manx.net)

Our Ref: B155/13  
Your Ref: MIMC04/0082  
12<sup>th</sup> March 2010

Mr I McCauley  
Director of Planning and Building Control  
Department of Local Government and  
the Environment  
Murray House  
Mount Havelock  
Douglas

Dear Sir,

### Re Proposed Development Order – Cooil Road Braddan

I write further to your letter of 18<sup>th</sup> January 2010 on the above matter that was considered at a recent meeting of the Commissioners.

The Commissioners have met representatives from the company that owns the majority of the land in question, and have also considered a letter from Quinn Legal who has been appointed by a client to oppose the introduction of the Development Order.

The Commissioners considered this matter on two levels, the first being the impact on the islands economy. It was their opinion that it should be confirmed that the Department has actually assessed the all island need before proposing this Order and that the decision to approve the Order is not simply focused on the eastern area of the island.

On the second level, relating to the impact on the Parish, they believe that, should the Order be progressed and a scheme is put forward for the development of the site, then a substantial buffer zone should be created between the estate and the houses on Colooney's Lane.

I hope that I have put forward clearly the Commissioners opinion, but would be happy to clarify either issue should it be required.

Yours sincerely

J C Whiteway *MBA*  
Clerk to Braddan Commissioners

[colin@braddan.gov.im](mailto:colin@braddan.gov.im)

## Curphey, Emily

---

**From:** Curphey, Emily on behalf of DLGE, Planning Policy  
**Sent:** 15 March 2010 09:02  
**To:** 'Claire Bassett'  
**Subject:** RE: FAO Emily Curphey - re Cooil Road Development Order

Dear Claire

Thank you for your email and the attached letter. I look forward to receiving your full comments on Monday 22<sup>nd</sup> March.

Kind regards

Emily

Emily Curphey MRTPI  
Planning Policy Officer  
Directorate of Planning and Building Control  
Department of Local Government and the Environment  
Murray House  
Mount Havelock  
Douglas  
Isle of Man  
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---

**From:** Claire Bassett [mailto:Claire.bassett@themillshop.co.im]  
**Sent:** 11 March 2010 16:57  
**To:** DLGE, Planning Policy  
**Subject:** FAO Emily Curphey - re Cooil Road Development Order

Hi Emily

As per our conversation earlier today please see attached our letter.

We will have the proper submission in for Monday 22<sup>nd</sup> March 2010.

Kind regards

Claire Bassett



isleofmanChamberofCommerce  
*your local chamber*

11<sup>th</sup> March 2010

Proposed Development Order – Cooil Road, Braddan  
Department of Local Government and the Environment  
Murray House  
Mount Havelock  
Douglas  
Isle of Man  
IM1 2SF

Dear Ms Curphey

Following on from our conversation today, we write to confirm that we are still consulting our members on this issue. The planning decisions taken recently at Spring Valley and the fundamental changes in the local economic outlook have sharpened opinion on the is matter. We do note your deadline and appreciate your flexibility in giving us a little extra time to prepare our submission. We are a voluntary organisation with a broad range of views which is both a strength and a weakness.

Whilst it is not possible for me to pre-empt our submission, it would be fair to say that our members are broadly supportive of the land being re zoned as light industrial. Our primary concerns lie in the interpretation of the phrase light industrial particularly when in reference to its connection with retail.

Yours sincerely

Stephen Bradley  
Chairman of the Isle of Man Chamber of Commerce Retail Committee.

**Curphey, Emily**

---

**From:** Curphey, Emily on behalf of DLGE, Planning Policy  
**Sent:** 15 March 2010 09:37  
**To:** 'Charlie Murray'  
**Subject:** RE: Proposed Development Order - Cooil Road Braddan

Dear Sir

Thank you for submitting comments on the Cooil Road Order. These comments will be analysed along with all others received before a report is put to the Department. The Department will then decide how best to proceed.

Kind regards

Emily Curphey

Emily Curphey MRTPI  
Planning Policy Officer  
Directorate of Planning and Building Control  
Department of Local Government and the Environment  
Murray House  
Mount Havelock  
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---

**From:** Charlie Murray [mailto:chasuki@hotmail.co.uk]  
**Sent:** 12 March 2010 21:12  
**To:** DLGE, Planning Policy  
**Subject:** Re:Proposed Development Order - Cooil Road Braddan

To whom it may concern

Further to my original objection against this proposed development, which still stands. I am concerned that any department that is prepared to do an environmental impact study from a desk in a couple of months on an area of land which changes throughout the year. That is so important to the wild life of the area and I stress PROTECTED wild life BIRDS OF PREY, BATS, FROGS, which all live and feed on this land. which are protected by law suddenly disappear when a large developer or government body want to develop land.

I am sorry but this kind of thing makes both my family and myself ashamed to be MANX as any were else in the world the Government try to protect the environment. To destroy it for just profit is a sin

yours faithfully Mr C, W, Murray.

---

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Henry Kennaugh  
Kiltrellig House  
Hillberry Green  
Douglas  
Isle of Man  
IM2 6DE  
Tel 611648

RECEIVED ON

15 MAR 2010

DEPT. OF LOCAL GOVERNMENT  
AND THE ENVIRONMENT

12 March 2010

Planning & Building Control Directorate  
Murray House  
Mount Havelock  
Douglas  
Isle of Man  
IM1 2SF

**Submission Re; Proposed Development Order- Cooil Road, Braddan**

**FAO Brian Sinden**

**Dear Sir**

**Planning Framework**

The introduction of the Strategic Plan was the basis to create a Planning Framework in accordance with the 1999 Town and Country Planning Act, such a framework would allow the Department to be able to make robust planning decisions, the Independent Review by the IDE&A recognised this issue as a current failing by the department in not providing this sound basis.

The IDE&A review recommended that the implementation of one Area Plan was more suitable in the time frame than four Area Plans, thus providing a geographical Development Plan which considered development across the whole Island creating a more even development pattern, which would in turn distribute a fairer economic spread, which would be in accordance with the aims of the Strategic Plan.

The Strategic Plan was accepted by Tynwald in July 2007, included as one of the Plans aims was within 3 years to have implemented 4 Area Plans, to date very little progress has been made, the only Plan in progress is the Southern Plan which has taken nearly 3 years to get to its current position as a draft and yet to be progressed as a document suitable to be forwarded to a Public Inquiry.

The Planning Department's inability to provide all four Area Plans in a timescale fair to all communities will increasingly create a serious economic imbalance across the Island, the lack of Area Plans in the East, West and North will have a serious economic affect for the foreseeable future on these parts of the Island, a situation which can only be unacceptable, a new planning vision needs to be introduced as a matter of urgency.

#### **The Department's flawed approach.**

The Cooil Road Order is an illogical timed development proposal, it cuts across the formulation under the 1999 Act of the Department's duty to create a planning frame work of Area Plans. The current fragmented framework is out of date and unreliable, and is not capable of producing robust decisions based on reliable data from where proper analysis has taken place. The Cooil Road Order is such an example.

Firstly, the size of the proposed development is disproportionate to any immediate needs, local or national. The site selection is based on limited information, projections and aspirations which do not demonstrate an immediate or essential need, the location is untested.

Such a development proposal needs to be considered in the context of the Area Plan Process, the scale of this proposal for employment land arguably needs to be considered on an overall Island basis, which again begs the question of an All Island Area Plan. Zoning employment land on such a scale without being able to consider the location of residential provisions, amenities and the evolving traffic movements from locations yet to be agreed is somewhat nonsensical

#### **The Department's flawed position.**

The Planning Departments business is to create a robust planning system across the Island and administer planning and building control, it also has a duty to provide a robust planning framework, it should also set examples of standards particularly in the preparation of planning issues brought forward under the cloak of "Government". The Department should not be promoting Planning Orders focused on National Need relying on a hope basis.

A private company's proposal to encourage economic development and employment in one particular area cannot constitute to be of National Importance, if that was the case the Department would be inundated with similar hope full proposals focused on economic and employment predictions.

It is of concern by what process of identification or policy or why the DOLGE has involved itself in the promotion to provide a proposed development by a private company to zone a green field site for the range of uses being identified .The gain from approval of this Order is clearly the company's as the Department has no interest in the land or its

development. The planning proposal is purely a commercial venture, situated in a single location, it is difficult to recognise or identify any national gain in these circumstances.

#### **Lack of consideration to professionally plan Greater Douglas.**

The overdue Eastern Area Plan will identify a range of redevelopment opportunities and brown field sites which could regenerate many under utilised and degenerating areas in the East and in planning terms be more beneficial to the appearance of the Greater Douglas Area, zoning a green field site before this analysis has taken place in an Area Plan Process will seriously damage that process.

Best Practice principles advise that a development of a scale which may affect the outcome of the Area Plan should be considered as premature to the consideration of the Plan.

The scale of development proposed in this Planning Order is clearly going to undermine the Area Plan Process. The selection of this site has not been subjected to the proper rigor of that of an Area Plan Process. There has not been afforded the opportunity to bring forward other contending sites, no consideration has been given to the quality of the farm land, other contending sites would create that analysis process, its visual impact can not fairly be assessed against other sites suitability.

#### **Policy change**

The DOLGE in progressing this Order will need to consider the serious move away from its previous established position on "national need". This issue should have been a matter approved by Tynwald prior to any expenditure by the Department on this Order.

The Department clearly needs to clarify before any more public money is expended a clear definition through Tynwald interpreting national need in relation to private commercial ventures where Government have no ownership and where alternative sites are available and suitable in other areas.

This Order, if approved, will establish that only a projection of need of a whole range of uses can now be considered as definitive matters to constitute National Need.

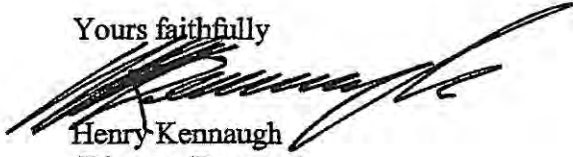
It would be prudent for the Department to reflect on the recent refusals the Minister has accepted in the period that this Order has been in existence, where , planning proposals which were clearly including a large percentage of development established as national need ( by Tynwald) were fundamentally refused as being premature to the Eastern Area Plan Process.

The Greater Douglas Area can only be properly and professionally planned to create a sustainable program of development, redevelopment and much needed refurbishment through full and proper overall assessment by an Area Plan Process.

**Conclusion.**

There is no sustainable evidence that the Islands economy will suffer if this Order is withdrawn and awaits to be considered as part of a full and comprehensive process and be considered within and evolve as part of the planning framework process.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Henry Kennaugh', written over a horizontal line.

Henry Kennaugh  
(Director Baccarat)

## Johnstone, Andy (CSO)

---

**From:** Curphey, Emily  
**Sent:** 16 June 2010 15:36  
**To:** Johnstone, Andy (CSO)  
**Subject:** FW: Cooil Road comments part 2 (1/2)  
**Attachments:** 20100609160355\_001.pdf

Emily Curphey MRTPI  
Planning Policy Officer  
Planning and Building Control Division  
Department of Infrastructure  
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-----Original Message-----

**From:** Faragher, Paula  
**Sent:** 09 June 2010 16:01  
**To:** Curphey, Emily  
**Subject:** FW: Cooil Road comments part 2 (1/2)

-----Original Message-----

**From:** Faragher, Paula [<mailto:Paula.Faragher@dlge.gov.im>]  
**Sent:** 09 June 2010 15:56  
**To:** Faragher, Paula  
**Subject:** Cooil Road comments part 2 (1/2)

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