

THE TOWN AND COUNTRY PLANNING ACT 1999

THE TOWN AND COUNTRY PLANNING (COOIL ROAD) ORDER ()

EXPLANATORY MEMORANDUM

1. INTRODUCTION

- 1.1 The Department of Local Government and the Environment is proposing to make an Order under Section 8 of the Town and Country Planning Act 1999, the effect of which would be to grant Approval in Principle for the development for industrial purposes of approximately 20 hectares of land which lies immediately south of the Cooil Road between Colooney's Lane and Ballavagher in the Parish of Braddan.
- 1.2 This memorandum explains the background to, and content of the proposed Order, and is intended to assist those who wish to make representations for consideration by the Department before it decides whether to proceed with the Order.

2. BACKGROUND

- 2.1 The current Braddan Local Plan was approved by Tynwald in 1991.
- 2.2 In 2001, having determined that there should be prepared an up-dated Plan for Braddan, the Department published, in accordance with the new procedures introduced by the Town and Country Planning Act 1999, a Draft Area Plan for the Parish.
- 2.3 On this Draft Plan, there was included the zoning for industrial development of an area of land immediately south of the Cooil Road and east of Colooney's Lane.
- 2.4 After considering the representations made in response to the publication of the Draft, the Department determined that this zoning should be varied by
- a) the introduction of an area of Open Space adjoining the existing dwellings on Colooney's Lane, such as to maintain the amenities of those dwellings; and
 - b) expansion of the zoned area eastwards and southwards.
- 2.5 Accordingly, the Department prepared for consideration at the Public Inquiry a modified Draft Plan (which included not only the modifications referred to in 2.4 above, but also many others).
- 2.6 After considering the Draft Plan, the Department's proposed modification thereof, and further representations from interested parties and the Department, the Inspector recommended that, in effect, the amenities of the dwellings on Colooney's Lane should be maintained by a requirement for a Landscaping Master Plan, rather than by an Open Space designation, which might adversely restrict part of the area for industrial development intended by the principal zoning.

- 2.7 The Department accepted the Inspector's recommendation in this respect, and, had it proceeded with the Area Plan, that Plan would, in respect of this particular land, have zoned for industrial development the whole of the area shown on the modified Draft Plan plus the area shown as Open Space. The Written Statement, which forms part of an Area Plan, would have included a requirement for the preparation of a Landscaping Master Plan.

3. ABANDONMENT OF THE BRADDAN AREA PLAN

- 3.1 However, the Department has decided that it will not adopt the Area Plan, either as first published or with modifications.
- 3.2 This decision, and the reasons therefor, were explained by the Minister in a statement to Tynwald in June 2006.
- 3.3 In so explaining, the Minister stated that

"Thirdly, under Section 8 of the Town and Country Planning Act 1999, the Department has the facility to bring a Development Order to Tynwald for approval. It is our intention to bring forward a Development Order for industrial land, as soon as possible.

It is likely that such land will be significantly larger in area than the land which has already been subject to the inquiry, and which has been accepted by both the Inspector and the Department.

Consistent with my commitment in respect of Development Orders for residential land, it will be necessary for such land to be subject to a proper process of public consultation and scrutiny by an independent inspector, before such an Order can be brought to Tynwald for approval. I am sure Honorary Members will agree that it is of strategic importance to the Island for there to be sufficient industrial land zoned in appropriate locations."

4. THE PROPOSED ORDER

- 4.1 The Order now proposed is that to which the Minister referred, and this memorandum is intended to assist the process of public consultation. It should be noted that the area identified in this draft Order, whilst larger than that proposed in the Draft Area Plan for Parish, is the same as that recommended by the Inspector after the Public Inquiry. It is not the same as the larger area of land referred to by the Minister in his June statement to Tynwald.
- 4.2 The effect of the Order would be to grant Planning Approval in Principle for the industrial development of the land referred to in paragraph 2.7 above. This Approval would be subject to a number of conditions which, in particular, require the submission of details of the development in an application for "Reserved Matters" to the Department, and that these Reserved Matters must include a landscaping master plan. This master plan must itself include proposals designed to protect the amenities of those living in and using the buildings fronting on to Colooney's Lane.

5. PROCESS

5.1 The Act does not prescribe the process which the Department should follow in making such an Order, but it does state that the Order shall not have effect until it has been approved by Tynwald.

5.2 The Department proposes that it will

- a) undertake a process of public consultation, seeking representations from all interested parties within a period of six weeks;
- b) consider the representations received; and that
- c) if it then decides to proceed with the Order, and if there are either substantial adverse representations or unresolved issues, it will arrange for there to be held a Public Inquiry conducted by an independent inspector, who would report to the Department.

5.3. If the Department then decides to make the Order, that Order will of course then be subject to Tynwald approval.

6. SUMMARY

6.1 In summary, the Department is proposing to use a provision in the Town and Country Planning Act 1999 to grant Approval in Principle for the industrial development of approximately 20 hectares of land adjoining the Cooil Road in Braddan.

6.2 There is a generally acknowledged need for land for industrial purposes in the east of the Island, this particular proposal has been previously canvassed and has been found to be generally acceptable, and the Department has recently advised Tynwald of its intention to use the Development Order procedure.

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