



**TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
QUAIYL TINVAAL**

PROCEEDINGS

DAALTYN

(HANSARD)

**SELECT COMMITTEE ON THE AFFAIRS
OF BRADDAN PARISH COMMISSIONERS**

**BING ER-LHEH MYCHIONE
COOISHYN BARRANTEE SKEEREY BRADDAN**

Douglas, Friday, 14th March 2008

Members Present:

Chairman: The Speaker of the House of Keys (Hon. S C Rodan)
Mr P Karran, MHK
Mr A Downie, MLC

Clerk:
Mr L Crellin

In attendance:
Mr A Pass

Business transacted

	<i>Page</i>
Procedural	103
Administration of the Oath	103
Evidence of Mrs M Hodge and Mr R Corkhill	103

The Committee sat in private at 1.00 p.m.

Tynwald Select Committee on the Affairs of Braddan Parish Commissioners

*The Committee sat in public at 10.34 a.m.
in the Millennium Room,
Legislative Buildings, Douglas*

[MR SPEAKER *in the Chair*]

Procedural

The Chairman (The Speaker of the House of Keys, the Hon. S C Rodan): Good morning, and can I welcome you all to this meeting, which is a sitting of the Select Committee of Tynwald on the Affairs of Braddan Parish Commissioners. We are taking evidence this morning in public session.

The Committee was established by Tynwald in January last year, and our remit is principally to investigate the involvement of the Clerk to Braddan Parish Commissioners, Mr C S Lewin, and the Braddan Parish Commissioners in the period from 1st August 1999 until 30th June 2006 concerning the Draft Braddan Area Plan, and to identify the extent to which their involvement caused, or contributed to, the Plan being terminated. That is the principal part of our remit.

If I could introduce my colleagues on the Committee: Mr Alex Downie MLC; Mr Peter Karran MHK; I am Steve Rodan, the Chairman. On my right, Mr Tony Pass, who is adviser to the Committee; Mr Clive Alford is recording the proceedings for *Hansard*; and Mr Les Crellin is the Clerk to the Committee.

If I could ask all members of the public to ensure any mobile phones are switched off, please, to avoid interference with the *Hansard* recording.

Administration of the Oath

The Chairman: I would like to welcome, as our witnesses this morning, Mrs Margaret Hodge and Mr Ray Corkhill.

If I could begin by asking the Clerk to invite you to take the Solemn Oath.

Mrs Hodge took the Bible in her right hand and repeated the Oath.

Mrs Hodge: I swear by Almighty God that the evidence I shall give to the Committee, at this and any further hearing, shall be the truth, the whole truth and nothing but the truth, so help me God.

Mr Corkhill took the Bible in his right hand and repeated the Oath.

Mr Corkhill: I swear by Almighty God that the evidence I shall give to the Committee, at this and any further hearing, shall be the truth, the whole truth and nothing but the truth, so help me God.

EVIDENCE OF MRS M HODGE AND MR R CORKHILL

The Chairman: Thank you very much.

First of all, can I thank you for your written submission, made by the Commissioners on 18th July 2007. What we would like to do this morning is to go through the points in that that you have made, but perhaps before we do that I could start by asking you to introduce yourselves individually, stating your position as elected members of the Braddan Parish Commissioners, and to indicate when you were elected. Then I understand that, Mrs Hodge, you have a statement to make to us –

Mrs Hodge: Indeed, I would like to do that, sir.

The Chairman: – which we are quite happy for you to do, from the outset.

Mrs Hodge: Thank you.

The Chairman: So, Mrs Hodge, we will start with you.

Mrs Hodge: Yes. I am Mrs Margaret Hodge. I was elected to the Commissioners in April 2004, and I am currently Chairman of the board.

The Chairman: Thank you very much.
Mr Corkhill.

Mr Corkhill: Good morning.

I am Ray Corkhill. I was elected to the board in September 2000 and attended my first meeting in October 2000. I have been Vice Chairman of the Commissioners on a couple of occasions.

The Chairman: Thank you.

Mr Corkhill: I am currently Vice Chairman of the Commissioners.

The Chairman: That is fine, that is lovely. Thank you.
So, back to you, Mrs Hodge, if you would like to make your statement, in the first instance.

Mrs Hodge: Thank you.

I am Margaret Hodge, and I was elected to the board of Braddan Commissioners in April 2004. Currently, I am Chairman of the board.

Prior to joining the board, I had no knowledge of the preparation of the Braddan Local Plan, or of the Commissioners' involvement in it, as I had only moved to the Island in early 2002. However, I soon became aware that there were major issues of concern as to the way that the Issues and Options document had been prepared and circulated.

Procedural Administration of Oath

One of our parishioners, Jack McKinney, raised the question of the appropriateness of Miss Sarah Corlett's involvement in the process as the Senior Planning Officer, given that she actually lived within the Parish. At the time, I felt that, as the Island was so small, it was almost inevitable that there would be the possibility of a planning officer living within the area whose local plan they were presiding over. In my experience, most planning officers are responsible and professional people, and I felt they should be able to take an objective view.

I raised the issue of the McKinney complaint with our then Clerk, Mr Lewin, to determine whether there was any substance in the allegations that were being made. The essence of Mr Lewin's reply to me was that Jack McKinney has got it in for Sarah Corlett, for which I understood that there was some element of old scores being settled. I had, by then, become aware of some of the differences between life on the adjacent island and life here in the Isle of Man. So many people here have grown up together, and even 20 or 30 years later, old playground disputes are still rankling and can intrude into some professional decision-making on occasions, so that, at that stage, I did not give too much credence to the McKinney complaint.

But then the *Pilling* judgment was brought to our attention by my fellow Commissioner, Andrew Jessopp. This was a judgment given by Deemster Corrin, which basically said that anyone in public life should make sure that in all their actions there was not the slightest possibility of there being any perception of bias or unfair dealing. So I felt then that the *Pilling* judgment did give much more credibility to the McKinney complaint, and indeed the McGreal Report, which came out in late 2004, upheld his original complaint as valid; but when the issue was raised again in a Commissioners' meeting, the then Clerk poured scorn on both the judgment itself, saying that it was not relevant to officers in the Isle of Man, and on Andrew Jessopp for raising it with the board.

Relations between Mr Jessopp and the rest of the board were not good at that time, as the public inquiry in November 2005 revealed. Mr Jessopp was perceived to be making trouble for the board by constantly trawling through old minutes, and that sort of thing. Looking back, I can see that this perception was actively encouraged by the former Clerk.

But concerns about the validity of the Local Plan continued to be voiced. Questions were now being asked about Mr Lewin's personal involvement with the sale of some of his land to Dandara at an early stage in the development of the Plan.

At this time I was Vice Chairman of the board, and I felt that the board was coming under constant criticism, particularly from the Department of Local Government. Anxious to do what I could to restore the good name of Braddan, I questioned Mr Lewin about these allegations and received categorical assurances that he had done absolutely nothing wrong: the sale of the land had taken place long before the Local Plan was being reviewed, and there was no requirement for officers to make any declarations of interest.

So, depending on these assurances, I stated publicly that all was well with the state of Braddan, and in the spring of 2006 we held an open day, to which all our ratepayers were invited to come and discuss any matters of concern with the Commissioners. Very few people actually turned up, but towards the end of the session, Mr Henry Kennaugh arrived,

armed with a list of some 16 questions. These he proceeded to put to me in a somewhat intimidating manner. All of them were to do with the Local Plan and the Commissioners' involvement therein. I answered the questions to the best of my ability, again depending upon assurances that I had been given by the then Clerk. Mr Lewin was in attendance at this meeting, but he gave me no assistance in the answering of the questions.

Finally, obviously frustrated at my answers to his questions, Mr Kennaugh flung a document down on the table, saying, 'What do you say to that then, Mrs Hodge?' The document proved to be a copy of the deed of sale of land by Mr Lewin to Heritage Homes, dated December 1999.

At this point, Mr Lewin abruptly left the meeting, making no comment. He left his papers and things on the table, and I thought that he had simply gone out for a comfort break or a cigarette, but he did not return. This reaction concerned me, as did the document itself, as it seemed to be definitive proof that the sale of this land, referred to as Area 14, had taken place after the Issues and Options documents had been initially considered.

Some of my fellow Commissioners were as concerned as I was. When we were able to question Mr Lewin later about his abrupt departure from the meeting, he explained that he was due to go off Island that afternoon and had suddenly realised that he was late. He did not offer that explanation at the time. When we asked about the deed document, he said that the sale had been agreed a long time before it actually took place. He also reiterated that, as an officer, he was not bound by the same declaration of disclosure rules as members were, and that the *Pilling* judgment was irrelevant.

From that point onwards I felt uneasy about the progress of the Braddan Plan, and began to wonder if the board had been misled in other ways. I certainly ceased from making public statements about Braddan being squeaky clean on all counts.

When Mr Rimington finally made his decision to withdraw the Braddan Plan, although somewhat disappointed, I acknowledged that it was probably the correct decision, as it would have made life very difficult if there had been a flawed document in place, with any planning application being open to serious challenges.

Therefore, I would say to the Select Committee that, in my opinion, the actions of the Clerk, and possibly the inactions of the Commissioners, probably did have an impact on the withdrawal of the Braddan Plan. The involvement of a local parishioner as the overseeing planning officer, and the sale of land by the Clerk to a local developer during the review process must both constitute the perception of serious conflicts of interest which should have been recognised and acted upon at a very early stage.

Thank you, Chairman.

The Chairman: Thank you, Mrs Hodge.

Just by way of following up to that, if we could step back a stage, a question for you both: did you both attend induction courses for newly-elected local authority members when they were put on by the Department of Local Government?

Mrs Hodge: Yes, I did.

The Chairman: You did, Mrs Hodge.

Mr Corkhill: I did not.

The Chairman: But you did not, Mr Corkhill.

Mr Corkhill: I had had 15 years' experience in the Civil Service at quite a senior level, and I made the decision that I did not need to go on an induction course; I understood enough about the workings of Government.

The Chairman: A question again to both of you: what was your understanding of the statutory role of a Commissioner, and secondly, your understanding of the role of the Clerk to the Commissioners?

Mrs Hodge: I think, as a Commissioner, I felt that I am the elected representative of the ratepayers and the parishioners of Braddan, and it is my duty to represent them in the best way I can, and to do everything that I can in order to improve the running of the Parish and the conditions within the Parish.

As far as the Clerk is concerned, I felt that the Clerk was an administrator and an adviser. That is the role I see the Clerk in: administrator and adviser to the Commissioners. The Commissioners are all lay people. Some of us perhaps bring a little more experience of public life to the role than others do, but the Clerk is the Civil Service, the person who is there who can give us guidance on local authority Acts, and rules and regulations. So, certainly I personally, anyway, looked to Mr Lewin for advice on many occasions.

The Chairman: Thank you.
Mr Corkhill.

Mr Corkhill: I would endorse what Mrs Hodge has said. I felt that we are there to manage the affairs of the Parish on behalf of the parishioners, and that the Clerk is really the chief executive of the board. Obviously, it is a position of trust and, to a certain extent, you have to trust him. Things have emerged, and will continue to emerge, which demonstrate that that level of trust was perhaps misguided, but at the time, with my knowledge of the Civil Service, I felt the affairs of the Parish were being conducted correctly.

The Chairman: Thank you for that. That is just really to set the context.

Thank you for your statement, Mrs Hodge. If I could go through your letter of July last year, acknowledging that a number of the answers you give, I think you have probably covered in your statement. Nonetheless, it would be helpful just to go through it methodically.

Of course, we appreciate that you, Mrs Hodge, were not a Commissioner at the time of the preparation of the Draft Plan, nor at the time of the Inquiry, but clearly you will be aware of the issues which led up to the withdrawal of the Plan. Mr Corkhill, of course, we note you were a Commissioner from 2000. So the questions that we will put regarding the submission are to you both, but answer them as you feel appropriate, whoever it feels most appropriate to answer.

Starting on page 1 of your submission – this is opening paragraph (a) – where you say that, at a meeting of the authority on 12th January 2005, the majority of Commissioners resolved – one was absent, on holiday, but the majority resolved – that the authority would write to DoLGE, requesting them not to proceed with the Draft Plan, and at that meeting the Commissioners had considered a copy of the Report produced by Clive McGreal, along with legal

advice, upholding a complaint by a resident of the Parish against the preparation of the Plan. What were the concerns that prompted the board to request DoLGE not to progress the Draft Plan?

Mrs Hodge: I felt that the McGreal Report was almost conclusive proof that there was something amiss with the preparation of the Plan. The McGreal Report was the Report that actually upheld Jack McKinney's complaint that there could be perception of bias because the planning officer was a resident of the Parish over which she was overseeing the Plan and, given that there had been a thorough investigation into that complaint and they came out and upheld it, I felt that to go forward with the Braddan Plan at that stage would be unsafe. I think that was the opinion of the members of the board who were in attendance on that day.

I think Mr Corkhill possibly disagrees with that, but then he was actually absent, so...

Mr Corkhill: I was away on leave, and I do disagree with that.

I considered the McGreal Report and, to my view, that Report was not conclusive. It conflicted with itself: on the one hand, it described Sarah Corlett as squeaky clean; and on the other hand, it then said there may be a perception of bias. In my view, it was not conclusive.

Also, I had been very heavily involved in the work on the Plan since 2000, particularly relying on my own experience in planning, and I did not feel the Plan had been impaired by undue influence by either the Clerk or Miss Corlett.

The Chairman: Just to be clear then, Mr Corkhill, you were not at that meeting.

Mr Corkhill: No, I was away.

The Chairman: You were the member who was away on holiday, and would have argued against the course of action.

Mr Corkhill: Yes, I would, and I have a pre-prepared statement, which I hope to read to you – I have got a copy for you – and in that it may be appropriate for me to mention now I was not present at the board meeting on 12th January, nor was I consulted about the resolution to request DoLGE not to proceed with the Draft Braddan Plan. I do not support that resolution, and would have voted against it – and I will explain that when I address you with my submission – but, from what I have said so far, I believe that the board conducted itself completely impartially. We consulted more than, I believe, any other local authority, with the residents and the ratepayers, and I believe that our decisions and the conclusion of the Braddan Plan were absolutely sound.

It may be of assistance to you... I represented Braddan Commissioners at the Braddan Plan Inquiry; Mr Lewin was not there.

The Chairman: Just to be absolutely clear then – because my intention was to invite you both to go through the letter of July last year – do I understand, Mr Corkhill, that you fundamentally adopt a different position than the majority of the board, currently?

Mr Corkhill: I do not believe the Braddan Plan was

impinged, and I think it was wrong for it to be withdrawn. I have always believed that.

The Chairman: So the Committee would be mistaken in inviting you both jointly to go through the written evidence. Clearly, it is at odds with your view, Mr Corkhill.

Mr Corkhill: I agree with some points that are raised, but the fundamental issue of whether the Plan should have been withdrawn or not, I totally disagree with.

The Chairman: I think I would propose that I take your statement at an early stage, and that we structure our questioning perhaps on an individual basis.

Before we do so, there is one aspect of what you said, Mrs Hodge, that was to do with having considered the McGreal Report and reached conclusions upon it. You mentioned that you had to consider a copy of the Report, along with legal advice. I will ask Mr Downie; he had, I think, a point about one aspect of legal advice that might have had a bearing.

Mr Downie: Yes. You did write a letter to Antony Hamilton, of the Department of Local Government and the Environment, and when he replied to you he did not concur with your request. What we would like to know is did you seek legal advice prior to writing to Antony Hamilton about withdrawing the Plan?

Mrs Hodge: Yes, we had advice from Jeremy Callin at Quinn Kneale. I have not got a copy of his letter with me, but there was a letter. I cannot remember the exact wording of it, but we certainly did seek advice before we wrote in and asked. I think we all felt that there was sufficient doubt then cast upon the Plan.

Mr Downie: So, when you had your reply from DoLGE originally, then, where Mr Hamilton said, in their view, the outcome of the investigation did not vitiate the Plan, you felt that it was still worth pursuing?

Mr Corkhill: That strengthens my position.

Mrs Hodge: I do not think we did. We did not pursue it very strongly. I think we acknowledged that the Chief Executive had come back and said to us that he did not consider that it was sufficient, so –

Mr Downie: The Chief Executive's view seemed to be contrary to that of the Minister, who pulled the Plan.

Mrs Hodge: That was subsequent, yes, indeed. Subsequently the Minister did pull the Plan, but I did not know what was in his mind at that stage, whether he was minded to pull it or not. I think there was considerable unease, both in DoLGE and with ourselves, about the Plan.

The Chairman: Just to follow up Mr Downie's point, when the Chief Executive then, in the letter, said that the outcome did not vitiate the Plan – render it invalid – was that highly persuasive to the members of the Commissioners who were, at that meeting, considering the way forward?

Mrs Hodge: I think it must have been. I have difficulty recollecting that actual meeting, but certainly we did not

then pursue it with any great strength – the withdrawal of the Plan – but there was considerable unease.

The Chairman: Mr Pass.

Mr Pass: Can I just ask for clarification? We know that Mr Corkhill was not present, but at the meeting on 12th January, was it a significant majority?

Mrs Hodge: All the members who were at that meeting, that was unanimous, yes. So there were four members present, and all four agreed that we should write.

Mr Pass: Thank you.

The Chairman: Mr Downie.

Mr Downie: Just to go back to something you said to us, Mr Corkhill, about representing the Commissioners at the Inquiry. Obviously, you do have a lot of planning experience, a lot of planning background, but could you perhaps tell us then why, since 1999-2000, the Commissioners have been employing people like Robert Turley Associates, the Lovejoy Partnership, Mr Hoggett, and, in fact, one petition, that was made and turned down by the Department of Local Government and the Environment, was for an estimated cost of £175,000 of planning issues. Could you tell us what that was about?

Mr Corkhill: I can tell you precisely what the involvement –

Mr Downie: Could you explain where all these people fitted in?

Mr Corkhill: Yes. Turley Associates were employed by the Commissioners and I was –

Mr Downie: To do what?

Mr Corkhill: To give advice on the Braddan Plan, because there was the issue of Camlork, and there were other issues. Turleys had been previously employed by the Commissioners in the previous Braddan Plan, when Camlork's designation for residential status was removed, and it was felt that they had the experience to give the board advice. I went with the then Chairman, Mr Gawne, to Turleys, and we had preliminary discussions, and those kind of costs were not envisaged. I think, from memory, we discussed between £25,000 and £30,000 overall fees, which we thought was reasonable for the advice we were going to get.

Lovejoys had been previously employed – prior to my time, but there was an overlap – on the incinerator, not on the Braddan Plan. Lovejoys actually represented other people at the Braddan Plan, and I have a couple of things which I, in fact, submit to you to substantiate that. There is a submission – it is a matter of public record – dated 12th July, from Lovejoy Partnership, where they represented people at Mount Rule, and then there is another one – again, July 2000 – where they represented Heritage Homes. So we did not employ them at all in the Braddan Plan.

Mr Hoggett gave legal advice. He was employed to give legal advice on aspects of the Braddan Plan, but his primary

employment had, again, been to do with the incinerator. He was the one who was employed to give legal assistance in the drafting of the control and conditions that Braddan were instrumental in bringing in with the incinerator. He only gave peripheral advice, as far as the Braddan Plan was concerned.

Mr Downie: Are you aware of the maximum amount that the Commissioners can spend without petitioning the Department?

Mr Corkhill: Yes.

Mr Downie: What is the figure?

Mr Corkhill: I am not sure at the moment, but again we were guided by our Chief Executive.

Mr Downie: So who paid these bills? Where did this money come from?

Mr Corkhill: The bills... I cannot recollect that kind of figure, to be honest, not in my time.

Mr Downie: We have a figure that was turned down, but in spite of the requests for petitions being turned down, it looks like some of these people were actually employed doing work on the Plan.

Mr Corkhill: No, he only did... His main involvement was to do with the incinerator, and certainly Lovejoys was to do with the incinerator. Also, there were so many issues at the time: we had the prison at Ballafletcher; we had the hospital – that was dragging on. Lots of these things are inter-related.

Mr Downie: Can I ask you then, Mr Corkhill, did you give planning advice to anybody else in Braddan when you were giving advice or representing the Commissioners?

Mr Corkhill: No. Since I have been elected as a Commissioner, I have never given advice.

Mr Downie: Did you make a declaration to the Commissioners?

Mr Corkhill: Yes.

Mr Downie: And that is recorded somewhere?

Mr Corkhill: Yes.

Mr Downie: That is fine, thank you.

The Chairman: I think what we will do now... Mr Corkhill, would you like to make your submission to us, and then we will pick up back to Mrs Hodge with the Commissioners' written submission.

Mr Corkhill.

Mr Corkhill: Thank you for that.

Sorry, I have only brought one copy; I only finished it last night. This is a general response to the points set out in your letter, dated 22nd February 2008.

I cannot comment on the involvement of either the Clerk or the Commissioners from 1st August 1999 because I was only elected in the by-election in September 2000, and I have minutes and the local election notice here to confirm that.

However, I am aware that, prior to my election, the board had been in some preliminary discussion on broad policy issues with the Planning Officer, Miss Sarah Corlett. I understand that little progress had been made because the then Chairman, Alan Gawne, and Sarah Corlett had seriously fallen out and dialogue had been restricted, although I am aware of a comprehensive set of minutes of a private meeting held on Tuesday, 19th September – which was just prior to my election – indicating some progress. There are actually 10 pages of those minutes, and I have brought along a copy for the Committee to read, because if you read that, you can see that there has been extensive dialogue between the Commissioners and Sarah Corlett, and it is on broader issues, which I felt were important.

The Chairman: So this private meeting was a meeting of the board of Commissioners.

Mr Corkhill: With Sarah Corlett.

The Chairman: With Sarah Corlett.

Mr Corkhill: Yes.

The Chairman: The Commissioners and the Clerk, with Sarah Corlett.

Mr Corkhill: Yes, and I think...

The Chairman: I think we probably have that in our file, but anyway you are drawing our attention specifically to that meeting. I think you can take it we have those minutes.

Mr Corkhill: I have got another copy, anyway.

The Chairman: Thank you.

Mr Corkhill: Because of my previous experience in planning, I was keen to resurrect full discussion and encourage resumption of dialogue with Sarah Corlett about the broad principles of the Plan and on to broader land-use zoning options and issues.

At that time, I was not aware of the sale of a plot of land at Mount Rule, although I was previously aware that Mr Lewin had retained the field when he sold Ballamillaghyn Farm in, I believe, 1996. I had previously obtained planning approval for two plots on that land some years earlier, in 1993.

I had previously worked for the board as a planning adviser many years ago, and so I had a working relationship with the board. It is my understanding that the board entered into consultation with no preconceived policies for specific land allocation, but resolved to seek the views of the Parish residents and ratepayers, and formulated and produced a comprehensive information pack and comprehensive questionnaire. I have taken the liberty of extracting a completed questionnaire, and I have deleted the name of the person who submitted it, but it demonstrates to you the depth of consultation that the Commissioners went to. But again, that was prior to my time.

My understanding is that questionnaire was circulated to

all households in the Parish, and I am aware that it attracted a very good response. All the results of that questionnaire were assimilated into a spreadsheet to provide an accurate overview to guide the Commissioners. When I say there was a very good response, I am aware that there are four boxes of lever-arch files containing these questionnaire responses.

Notwithstanding my own professional experiences as a self-employed planning consultant – which I have undertaken from 1988 – and my previous role as Secretary to the Planning Appeals Tribunal, it was agreed by the board to appoint Robert Turley Associates as independent professional planning advisers. I had previously been engaged as an adviser to the board, and indeed worked in close association with Turley's for the board on the previous Braddan Plan. As I have stated, Lovejoy's represented other parties.

I am not aware that it had been brought to the board's attention that there had been any potential conflict of interest, or inappropriate conduct by Mr Lewin during the Plan review process. The board was initially made aware of such potential conflict following submission of a paper from Henry Kennaugh at an open day meeting in late 2004, and I know that Mr McKinney raised it in the Inquiry right on the last day of the Inquiry, and the inspector at that time dismissed it. He said there was no evidence of a conflict of interest. The former Minister Rimington conducted a departmental internal inquiry and concurred that there had been no breach of rules by Mr Lewin in his lack of declaration about the Mount Rule land; he was not statutorily required to declare it.

I firmly believe that the board devoted considerable time and effort in the deliberation of their submission to the Braddan Plan, and that decisions were reached following extensive consultation with many parties, including, as I have said, analysis of the extensive submissions in response to the questionnaires. In my view, the board were never unduly influenced by the Clerk, or any other individual. I certainly was not swayed in any way by submissions by the Clerk. I am indeed very proud at the level of input and commitment we gave to ensure that the Plan was right for Braddan.

I do not believe there has been any proper evidence presented of any potential conflict of interest, or of any inappropriate conduct, to justify abandoning the Plan, which had progressed through a full and protracted public consultation process under the auspices of a highly-respected and experienced senior planning inspector, an inspector who had done previous local plans in the Isle of Man, and whom I held in the greatest of respect.

I was not present at the board meeting of 12th January 2005, nor was I consulted about the resolution to request DoLGE not to proceed with the Draft Plan. I do not support that resolution, and would have voted against it.

I have never been presented with any firm evidence there was any conflict of interest or undue influence via the Clerk, or the Planning Officer, Sarah Corlett, and in fact my understanding was that there has been very extensive and far-reaching consultation with many parties, followed by intensive deliberation and board discussion before reaching any final position on the various stages of the Draft Plan. I was involved in the drafting of the board's submissions to this Committee, and fully support them.

The Chairman: Thank you, Mr Corkhill.
Just so we are absolutely clear: you were involved in

drafting the board's submissions to this Committee, (**Mr Corkhill:** Yes.) so you stand by that written submission of July last year –

Mr Corkhill: Yes, I do.

The Chairman: – that we are about to go through, but it is true to say that you and Mrs Hodge take opposing views on whether it was justified –

Mr Corkhill: Probably me and the rest of the board, to be honest.

The Chairman: You and the rest of the board?

Mr Corkhill: It is factually correct that at a meeting in January the board resolved to request the withdrawal of the Plan, but I was not present at that meeting, and so I think I have conceded that that is a correct fact, even though I disagree with it.

The Chairman: So you are at variance with Mrs Hodge and the rest of the board on this issue.

Mr Corkhill: As far as that is concerned, yes.

The Chairman: Thank you.

Mr Corkhill: I am one of the only two members of the board who has been there since 2000, and I have been actively involved, because of my experience, in all aspects of submissions we have made to the Plan, and, as I have said, I represented the Commissioners at the Inquiry. Lewin was not there. He was there occasionally, but I was there permanently with another member of the staff.

The Chairman: Just remind us who is the other member of the board who –

Mr Corkhill: It was Peter Halsall.

The Chairman: Peter Halsall. I am not asking you to speak for him, but he was in agreement, Mrs Hodge, with the decision to recommend not to proceed?

Mrs Hodge: Yes, he was.

The Chairman: Yes. Thank you for that.
Turning back to your submission, then, on page 2, it says:

'In hindsight, it probably would have been inappropriate for the former Clerk to have not made the declaration, and for him to have not removed himself in his capacity as a key adviser in respect of the board's consideration of Area 14 in the Plan review.'

So, you are clearly saying it probably would have been better if the Clerk had made a declaration and removed himself in his capacity as a key adviser in respect of the board's consideration of Area 14.

Mr Corkhill: It is recorded in the minutes that he did not take any part in the discussion on that land. He did withdraw himself from active discussion with the board on that land. He did not declare an interest and, equally, I am aware that

Sarah Corlett was excluded from discussion of the Mount Rule area in the preparation of the Braddan Plan.

The Chairman: Your letter, though, said it would have been better if he had removed himself; it would have been more appropriate.

Mrs Hodge: I believe that is so. I think he should have done. Hindsight is a wonderful thing.

The Chairman: Yes, with hindsight, would you agree with that, Mr Corkhill?

Mr Corkhill: Yes, but I am aware that he did not actively take part in discussion on that specific piece of land. We did pull on his local knowledge for other areas in Mount Rule which were outside his control.

The Chairman: But, in hindsight, it might have been better had he removed himself, so that there was no –

Mr Corkhill: In hindsight, yes.

The Chairman: Yes. You refer to Mr Lewin as a key adviser. Would you say that the board was taking a lead from Mr Lewin? Was he highly influential to the board; he led the process forward?

Mr Corkhill: No.

Mrs Hodge: I was not there at the time, Chairman, so I cannot comment, but if you read through the minutes – which were pretty well verbatim at that time – time after time it is ‘The Clerk advised... The Clerk advised... The Clerk advised...’

The Chairman: When you say the Clerk ‘advised’, was that in the sense of tendering advice as to the best way forward for the Commissioners to consider, or was it ‘advised’ in the sense notified the committee factually of a particular situation? We use the words ‘he advised’ that something was the case, but you could also say he advised the Committee that they ought to do so-and-so. In what sense was that?

Mrs Hodge: I would say it is both. I have just a brief example there. It is advising, both on factual matters and on procedural matters, which you would expect the Clerk to do. I do not think that was unexpected.

The Chairman: On policy matters, and on preferred decisions?

Mrs Hodge: The Commissioners obviously would take the ultimate decision. As I say, I was not there at the time. I know how Mr Lewin used to conduct meetings where I was present, and he could present a very forceful argument.

The Chairman: Yes, a persuasive argument –

Mrs Hodge: A very persuasive argument, indeed so.

The Chairman: – that would influence a certain decision, do you mean?

Mrs Hodge: Possibly, yes.

Mr Corkhill: Possibly, but in this instance, particularly with my own experience, and with the other members of the board – Mr Gawne is here – I would say that he was a very strong Chairman, and neither he nor I, in my view, were misdirected by Mr Lewin in any respect of the Braddan Plan. My understanding of planning, I would say, is far greater than his.

The Chairman: So you would refute, yourself, Mr Corkhill, any suggestion that the board was unduly influenced or inappropriately persuaded to take a certain decision.

Mr Corkhill: I believe absolutely that that is the case, because I would not have allowed myself to be party to that.

The Chairman: Thank you.

Mr Corkhill: I might also say that, as far as the involvement of Miss Corlett was concerned, we did not agree with Miss Corlett on quite a few issues and she did not agree with us, but at the end of the day, when the Plan was considered at the Public Inquiry, we were all guided by the independent inspector.

As an example, Miss Corlett strongly supported the allocation of land along Peel Road, from Ashlar Drive back towards Braddan Bridge. We completely opposed that. We favoured the redesignation of the Union Mills trading estate in the middle of the village, so that we could have mixed use. We thought that would make a site for the sheltered housing; she totally disagreed with that. At the end of the day, it was all two-way discussion.

The Chairman: In your letter, you say:

‘The Commissioners acknowledge that the issues raised in 2005 by a resident of Douglas who owns land in Braddan...’

Would that be Mr Kennaugh?

Mr Corkhill: Yes.

The Chairman: Yes.

‘...and the provision of information to DoLGE in response to parliamentary Questions by Onchan MHK, Peter Karran, may have been dealt with by the Authority in a different manner. However, they did give serious consideration to the allegations, and after investigation and receiving further advice, they concurred that no breach of legislation had occurred.’

When you say these ‘issues’ Mr Kennaugh had raised may have been dealt with in a different manner, can you explain what that means?

Mrs Hodge: I think we were very defensive at the time. Personally, I felt I was defending Braddan’s good name.

Again, hindsight is a wonderful thing. I think we could have, and probably should have, responded more fully to those Questions. I do not believe that most of us were aware of quite the significance of the Questions at the time.

Mr Corkhill: I would also say that we did consult with the Department, and Minister Rimington also concluded that there was no breach of statute, as far as Lewin’s actions

were concerned. We all now, in hindsight, firmly believe that, morally, he should have declared an interest – no doubt about that – but at the time, he did not.

Mr Downie: Just to clarify: was any member of the board at that time unaware that Mr Lewin did own Area 14?

Mr Corkhill: I was not aware at that time. I knew, in 1993, that he had that land, but I understood he had sold it. In fact, not ‘understood’: I had been advised that he had sold it, and I did not know any different than that.

Mr Karran: Who had advised you?

Mr Corkhill: Lewin.

I am at a difficulty, explaining further, because I do not want it recorded in the press, but I sued Lewin in 1995 because he reneged on a deal that we had regarding those two plots of land. He owed me money, and I lost my case in the Small Claims Court. When I decided to stand for election, I put that behind me. I knew I had to work with the board, and had to work with Lewin. I have no axe to grind, as far as Mr Lewin is concerned, and as far as that land is concerned.

The Chairman: Thank you.

Mr Pass: I would just like to clarify the culture in Braddan Commissioners with regard to conflicts of interest and withdrawal. In a small area, there are many potential conflicts. Is it quite common for members, and now possibly even the Clerk, to declare over various issues? Does that happen two or three times a year, or is it almost –?

Mrs Hodge: It happens at every meeting now. We have instigated a procedure where... It was always expected that people would declare an interest – certainly that any members would declare an interest – if they had any interest in something that was being discussed on the agenda. That was always understood. It is now a statutory requirement that we do that, and we do do that on a regular basis.

Mr Pass: You say it is now, Mrs Hodge.

Mr Corkhill, your memory of the Commissioners goes back a bit longer.

Mr Corkhill: I have declared an interest in several aspects in the past, and I know other members – I know *all* of the members – did at various stages, if we had a direct interest in something. But, as you say, it is difficult when you live in the community. How do you stay impartial?

Mr Pass: But this happens quite regularly, and indeed possibly at every meeting?

Mr Corkhill: There is a declaration at every meeting, and the question is asked at every meeting, before we start.

Mr Karran: When did that start?

Mr Corkhill: I think following the Public Inquiry.

Mrs Hodge: It is still on an informal basis. It certainly has always happened ever since I came on the board.

Mr Corkhill: It has always happened, yes.

Mrs Hodge: But, as a statutory requirement, I would say over the last couple of years, I think.

The Chairman: Yes, the Local Government (Amendment) Act.

Mrs Hodge: Since the Public Inquiry in 2005. So, since then. That was one of the things that –

The Chairman: My question is, what form did that declaration of interest take: a simple declaration of interest and non-participation in the discussion?

Mrs Hodge: If necessary, yes.

The Chairman: If necessary.

Mrs Hodge: Yes. As Chairman, I ask the question at the beginning of every meeting: ‘Does any member,’ or officer now, ‘have any declaration of interest to make?’ If they do, then they declare it, and we then decide whether it is necessary for them to withdraw from the meeting, or not. Usually, they do.

The Chairman: Is that a declaration of pecuniary interest, or could the interest –

Mrs Hodge: There is a declaration of pecuniary interest, and also just a general interest.

The Chairman: What would a general interest be?

Mrs Hodge: If, for example, your next-door neighbour wants to put up an extension on his house, or some such thing, you have not got a pecuniary interest in it, but you still have an interest.

The Chairman: Yes, by a personal relationship, or knowledge that might be thought to influence –

Mrs Hodge: Yes, if any decision is being made.

Mr Corkhill: I think, too, I have declared interests in the past where a parishioner has come to me and asked my advice, and I have given them advice and told them it needs to go before the board. I have informed the board that I have given such advice. That is not a pecuniary interest, because I did not get any reward for doing it.

The Chairman: Those procedures, in your view, Mr Corkhill, which now have a statutory basis, are you saying they were used previously on a non-statutory basis?

Mr Corkhill: They were used previously, perhaps not as formal –

Mrs Hodge: On an informal basis, and now it is a formal –

Mr Corkhill: Now it is a formal routine in every meeting, but previously it was...

Mrs Hodge: It was dependent on people’s consciences, I would suppose.

The Chairman: Do members then ever remove themselves from the meeting?

Mrs Hodge: Yes.

The Chairman: That happens?

Mrs Hodge: If there is a particular interest in a particular item, yes, they do.

The Chairman: And that would correspond with what you said a little bit earlier.

Mrs Hodge: These are all recorded, in that we have a book of interests declared.

The Chairman: So, when you said that the former Clerk would have been better to have removed himself, that would have been in accordance with your then practice and your current practice. Thank you.

Just moving on, at the bottom of page 2 of your submission, you said that:

‘The authority prepared its submissions on the Draft Plan following several lengthy, and sometimes heated, exchanges of views with the Planning Officer, careful consideration of the view of the residents, and advice received from their former Clerk and professional planning consultant.’

I think, Mr Corkhill, you did say earlier there was a high level of consultation over the Braddan Plan. To what degree did the Commissioners consult with the planning officer? I am talking about the Commissioners. Then I want you to say to what degree did the Clerk consult with the planning officers independently, and then report to the Commissioners.

Mr Corkhill: I think there was an element of both, but we had many meetings, as a board, with Miss Corlett, and discussions about various aspects of the Plan. One thing we pushed hard for was allocation of houses for lower incomes, whether they be rented or first-time buyers’. We pushed hard to have an allocation within any residential development as a proportion, and I know there were lengthy discussions about that. We also consulted, from an early stage, and it is in these minutes... We all knew that the Board of Education were unhappy with the current Braddan School, and that it should be relocated.

The Chairman: We will come onto housing and education, the content. I am just interested is the degree to which you consulted. It has been suggested that the level of consultation that Braddan undertook went way beyond what was normal for local authorities when discussing issues and options and preparation of a draft plan.

Mr Corkhill: I think that is possibly true, but I do not think there is anything wrong with that. It shows that we were determined to get the Plan right. We felt there had been deficiencies in the previous Plan, and we wanted to make sure we could get it as right as we could.

The Chairman: These meetings, then, with the Planning Officer: were there, to your knowledge, other meetings where the Clerk and the Planning Officer would meet?

Mr Corkhill: Yes.

The Chairman: And the outcome of that would be what, that they –

Mr Corkhill: It would be reported and minuted by the board, the fact –

The Chairman: Would it be a verbal report, or would there have been minutes taken of that meeting between the Clerk and Planning Officer?

Mr Downie: Did the Clerk produce any aides-mémoire after these meetings?

Mr Corkhill: Another set of private minutes, dated 13th April – it says ‘page 1 of 1’, but it is not – ‘Review of the Braddan Plan’, and it all relates to meetings between the Clerk and Miss Corlett, and he gives, in this minute, a résumé of the discussions he had, and he undertook to provide a paper to the next meeting, but it is still recorded in the minutes, the advice he gave us.

The Chairman: So he would report verbally what was said between the Planning Officer and himself, and the Commissioners would, depending what it was about, make a decision based on that, or not?

Mr Corkhill: Yes, we would take note of the advice that was given to us, but we would still make our own decision.

This refers to discussions he had had with Miss Corlett to correct the text and amend the projected population section of the documentation. It was also hoped to persuade Miss Corlett to include the principle of zoning land for affordable housing. That is what I referred to earlier on.

The Chairman: Would you say, and I know it was a while ago... Would the majority of these meetings have been the consequence of an earlier meeting of the Commissioners? The Commissioners would decide something, and the Clerk would undertake to inform the Planning Officer as to how it would be progressed, or co-operated, (**Mr Corkhill:** Yes.) and then there would be a report back? Were the meetings of that sort, or were, alternatively, the meetings on issues of which the Commissioners, when it was reported, did not necessarily have any prior knowledge, and it was a meeting initiated by the Clerk in order to produce, for the next board meeting, a fresh proposal?

Mr Corkhill: I do not believe so. I think the meetings were generated by decisions of the board, and were more of the nature of fact finding than information gathering.

The Chairman: Thank you.

Just moving on, you say that the Commissioners and the former Clerk made a tour of the Parish in September and October 1999 to identify the sites proposed by the Planning Officer, and to identify whether any other sites should also be considered for inclusion in the Draft Plan. Was this tour minuted, Mr Corkhill?

Mr Corkhill: I was not there then.

Mrs Hodge: According to the minutes, the resolution

was made that they would do this tour around, yes.

The Chairman: The tour itself: were minutes taken following the tour?

Mrs Hodge: I do not know. It was reported. Subsequent to the tour around, the board obviously had a meeting with Miss Corlett, and they reported at length what they had found, but whether minutes or notes or anything were actually taken in the course of the tour, I do not know.

The Chairman: Mr Pass.

Mr Pass: Just on the question of consultation, while we are on consultation matters, can you give us any information on the public consultation questionnaire that was prepared? I know you referred to this.

Mr Corkhill: I have got a copy of it here.

Mr Pass: Yes, I think it was before your time as a Commissioner.

Mr Corkhill: It was.

Mr Pass: A little, a short time.

Mr Corkhill: Yes, it was in the same year; it was 2000.

My recollection of it is somewhat confused, to be quite frank, because I thought I had been involved in the drafting of this, but I was not. I think we did a subsequent exercise later on.

Certainly, there is a copy of the questionnaire there. I think there are six pages of it, and it is very comprehensive.

Mr Downie: To your knowledge, who was involved, Mr Corkhill, in the drafting?

Mr Corkhill: I was not there, so I cannot say, but I believe that it would have been directed by the board, and I am certain, looking at it...

Mr Downie: So it would be Robert Turley, or one of these other consultants suggested it?

Mr Corkhill: I do not know is the honest answer, because it was prior to my time. But I think it is a very comprehensive questionnaire, and it does gather a lot of information that was of importance to the board in reaching the conclusions that they did. I am aware that there was a spreadsheet prepared, including a résumé of all of the results of the questionnaires. I have not got it to hand. Unfortunately, the records are a little bit... I tried to find the rest of the documents for this, and they are no longer on the file.

Mr Pass: To prepare a balanced questionnaire is quite a skilled... You know this, as a planning consultant. This is a skilled... It is not something you would expect the Commissioners, and perhaps even their Clerk, to draft. It would surely have some professional input, either from consultants, or maybe even from DoLGE.

Mr Corkhill: Perhaps, yes. The honest answer is I do not

know, because it was prior to my time, but I am impressed with the format and the content of the questionnaire and...

Mrs Hodge: It may well be that when you speak to Mr Gawne and Mr Halsall later on, who were both there at the time, they will be able to throw some light on who actually designed that. I am afraid I have no knowledge as to who designed it.

The Chairman: Thank you, that is fine. Just going through, again, your letter. Page 3, paragraph 7:

‘The authority has consistently supported its zoning for residential development from the beginning of the review process, including provision for a school as replacement for the existing Braddan School, which wished to relocate to a new site, which was to be developed in conjunction with the Garey Moar site, Union Mills FC, and the Strang Corner field, as a co-ordinated and interrelated community facility.’

Just a simple question: who first identified the need for a school site?

Mrs Hodge: I do not know.

Mr Corkhill: In the initial Issues and Options document, which was prepared by the Department, and in which we had no input, there were, from memory, five possible sites identified, and this was one of them.

The Speaker: And this became the Commissioners’ preferred site?

Mr Corkhill: Yes, it did.

The Speaker: And how did that happen; by what process?

Mr Corkhill: Again, it is covered in these minutes, but Miss Corlett supported the view that the Strang was the right location for a new school. In our view, it was centrally located, easily accessed, and we took into consideration the development of the Union Mills Football Club land, and the fact that we were to acquire the Strang Corner field, which we hoped to use for community purposes, and we believed that, if the school was built there, we could utilise the facilities of the school, the school hall and what have you.

The Speaker: The next paragraph:

‘The authority has recently, at the suggestion of the former Clerk, given consideration to entering into a heads of agreement with Heritage Homes to support a planning application on this site. However, this was conditional on the proposal by Heritage Homes to redevelop the Camlork Farm buildings not being progressed. The heads of agreement was never progressed, at the instruction of the board.’

My question is, what was the actual proposal, and did the board initiate it?

Mrs Hodge: I think, at the time, the board were uneasy about the –

Mr Corkhill: The drafted agreement.

Mrs Hodge: Yes, the draft agreement was laid before us at a meeting, by the Clerk, and I think we felt uneasy. We

felt that there was possibly more involvement with Heritage Homes and Dandara with the Clerk than there should have been. So, we were...

The Chairman: Clearly, as you have stated, it was the suggestion of the former Clerk. Can you say on whose authority the Clerk made this suggestion, or are you not able to say that?

Mrs Hodge: Certainly, it was not on the authority of the board.

The Chairman: Not on the authority of the board. Was he questioned at the time as to why he went into discussion with Heritage Homes, if indeed he did?

Mrs Hodge: He probably was. I do not think there was much discussion about it; the board were not prepared to entertain the idea.

The Chairman: Did it occur to the board as to why the Clerk, at that particular time, would make a particular suggestion relating to –

Mr Corkhill: Yes, because there had been a planning application from Heritage Homes to demolish Camlork Farm and erect two luxury dwellings. We firmly opposed that; we said that was not on. I think it emerged, in discussion, that we would be happy for Heritage Homes to proceed with development, if they could, in the area behind the Strang where we proposed the new school. I think it was the Clerk's idea that we should put that into some form of an agreement and he drafted the agreement, and, as Mrs Hodge said, we were unhappy with the drafted agreement and we vetoed it.

It may be of interest, just to put that into perspective, at one stage the board resolved to get into discussion with the then owner of Camlork Farm, and we were interested in buying the fields as a board of Commissioners. At that time, Mrs Crowe was the Minister for the Department and we broached the idea with her and she supported the idea that we should try and purchase the land in the interests of the Parish, because we knew the absentee landowner, who lived in Australia, wanted to get rid. We failed in negotiation, quite frankly, and then it was open, and I am aware that other developers, as well as Dandara, entered into negotiation to purchase it.

The Chairman: This was prior to the public inquiry, was it?

Mrs Hodge: Yes.

Mr Corkhill: It was earlier than this, yes.

The Chairman: Much earlier than this?

Mrs Hodge: Yes, much.

Mr Corkhill: Heritage Homes ended up buying Camlork, and that included this land at the back of the Strang.

The Chairman: Did it strike the Commissioners as a highly unusual move, at that particular stage in the development of the Local Plan, to be acquiring land whose zoning was not clear?

Mr Corkhill: I am aware, from my planning experience, that Heritage Homes have a history of prejudging allocation of land. They bought a farm up in Onchan, I believe, that they caught a cold on because Birch Hill did not proceed over the hill, as they had hoped. But, yes, they have always had a –

Mr Downie: They are well known for acquiring options.

The Chairman: Thank you.
On page 4 of your submission, you say:

'Area 23 in the Ballacottier Business Park is an area the authority has always supported in the Draft Plan for residential use, and has also supported the successful Heritage Homes planning application to build 43 houses on the site. Since 2001, and perhaps earlier, the authority had an interest in acquiring land within that site to build local authority houses.'

The question is, why did the board support Area 23 for residential, when there appeared to be a need to retain already-zoned industrial land?

Mr Corkhill: Because we felt that area would be better used for residential. We felt that any industrial buildings on there – it is a sloping site – would become highly visible from around. As an example, you can see the Telecom building when you are coming over the back road from the Braaid – it is quite prominent in the vista – and we felt that any development of that kind of building coming further up the slope would be visually intrusive.

We also felt there was a balance. We felt there was a need for more housing, and there seemed to be a logical extension of Clybane, which is the estate abutting it. Part of the land had been released for a school. We believed it was more appropriate for that particular section to be redesignated for residential purposes.

We have also always supported – completely nothing to do with Heritage Homes – extension of the land on the other side of the road – Ballapaddag – for industrial purposes.

The Chairman: On what basis did you make those conclusions and judgements about the piece of land that was zoned for industrial purposes originally, under the Ballacottier Business Park? Had circumstances changed as the area was getting developed, or did you take planning advice, or was it just the Commissioners' own perceptions?

Mr Corkhill: No, it was a group decision, Commissioners' perception. We deliberated.

At that time, there were still quite a lot of areas that had not been developed in Ballacottier. The rate of development escalated in the last two or three years, but there were quite a lot of large tracts of land within Ballacottier that had not been developed, and there still are. The main field, where the farm was, still remains undeveloped.

Mr Karran: Can I just ask... You were saying about the sloping site across the road from the Coach and Horses. Obviously, the site is slightly sloping, but it would have been a matter of the planning just digging it in to keep it into height, because there are going to be large wide units. They are not going to allow them to –

Mr Corkhill: I think the topography of the site... You

can see now, from where they have built the building that Conister Trust is, that is as high as you would want to go, but if you carry that up the slope... There is quite a considerable slope on that land. You referred to the... I think the Horse and Plough, it is. That is dug into the site, but to dig in would mean, in my view, an incredible excavation to absorb any office building into that land, which is really what the business park was about: corporate headquarters.

Mr Karran: As it is an opinion, I agree with you there, but I think in other areas in that area there is a certain amount of levelling up the site. You would either level it up by digging in, or you would have one side of a wide building being six, or eight, or ten feet higher – almost a storey – to be level with the site. Fair enough; it is a judgement call.

Mr Corkhill: It was not just that; it was also the fact that we believed there was a need for more housing in that area.

The Chairman: Thank you.

Turning, again on page 4, paragraph 12, to do with Area 14, you say:

‘Area 14 – the land formerly owned by the former Clerk, and sold to Heritage Homes – has been consistently supported by the authority for zoning for residential use since reference to it in the extant 1991 Braddan Plan, and then the commencement of the review, and it was the authority who suggested the density of housing be increased from that proposed by the Planning Officer. This followed the introduction of a policy by the Commissioners which would require sites to include at least eight dwellings per acre.’

Can I ask who suggested why a specific density of housing be defined in the case of Area 14, if you are able, Mr Corkhill?

Mrs Hodge: Before my time.

The Chairman: Before your time, Mrs Hodge.

Mr Hodge: Yes, indeed.

Mr Corkhill: It came through by debate. We did not want it designated for low-density housing and parkland. There was no specific criteria, as far as residential was concerned. It was residential or low-density and parkland; they were the only two criteria in the old development Plan. Perhaps it was a figure plucked out of the air, but we felt eight dwellings per acre was a reasonable amount. It was not an intensive development, and it was a reasonable development within an acre.

The Chairman: Were there any other areas in the Draft Plan defined to that extent?

Mr Corkhill: Yes. We tried to recommend, in all of the areas, certain allocations for density. The big area at the back of Ballafletcher, again we suggested that there should be various...

Mr Downie: You mean the other side of the cemetery?

Mr Corkhill: Yes. I am trying to find where we referred to that.

The Chairman: We will take it as being Area 25.

Mr Corkhill: It is Area 25, yes. There is a massive tract of land there, and we believed... Again, we made comments on the levels of density within that site. We also, I think –

Mr Downie: Just to go back to Area 14 then, Mr Chairman, when you gave us a bit of planning history about this area, you related to two properties.

Mr Corkhill: There was an infill. Mount Rule is a small community of ribbon development, emanating from the crossroads and running back down to the farm, and there were two plots that were a natural infill. They were on the bottom end of this site. They were not actually intruding into the field.

Mr Downie: So anybody looking at this, who did not understand the planning system, would be quite amazed to see that the land that was in the ownership of the Clerk all of a sudden was available for a considerable number of residential dwellings, and the value of that land would have gone from a few thousand pounds an acre to several hundred thousand pounds an acre.

Mr Corkhill: The planners, irrespective of the Clerk, have always looked upon the Mount Rule area as an area that could have been expanded, and that included this plot of land. It included other pieces of land across the road. It included the former mansion house, which the Clerk had specifically excluded from them.

Mr Downie: For our benefit then, the \$64,000 question for us is who recommended the land be included, and the density? Was it the Commissioners, or did it come from DoLGE?

Mr Corkhill: It came from DoLGE.

Mr Downie: What was the reason, and was that challenged in the Commissioners?

Mr Corkhill: No, supported by the Commissioners.

Mr Downie: So the Commissioners were happy for that land... even though I would say the majority of the Commissioners present at the time knew it was in the ownership of the Clerk?

Mr Corkhill: We did not.

Mr Downie: You did not?

Mr Corkhill: At that time, we did not. I believed he had got rid of it. In fact, I had been told he had got rid of it.

Mr Downie: You said, with hindsight – and hindsight is a wonderful thing – it would have been in his interest to make absolutely certain that when that Plan was going forward, everybody knew that he had an interest, even though he was not required to by law.

Mr Corkhill: Yes.

Mr Downie: He should have covered his back.

Mr Corkhill: I believe so. He actually got rid of it before I joined the board, anyway. He sold it in 1999, from what I can understand.

The Chairman: Mr Pass.

Mr Pass: In fact, it was a few months before you joined the board that he sold it.

Mr Corkhill: It was a year before.

Mr Pass: Yes, and while we are considering Area 14, can you comment on the sale of the land by the former Clerk, allegedly at less than the full value – that is what we have learned – to obtain certainty in the deal? That is something I cannot understand.

Mr Corkhill: That is a statement he made.

Mr Pass: Can you explain that?

Mr Corkhill: I think the value of the site... If you equated it to eight dwellings, it would be worth more than he got for it. My understanding is he got about £287,000. Eight dwellings per acre; that is 16 dwellings. If you were going to do that in plot size, that would be a lot more than that.

Mr Pass: But would it give you any comfort if you had known that he had sold it for less than the full value (**Mr Corkhill:** No.) to obtain certainty for the deal?

Mr Corkhill: No, that was irrelevant, to be quite frank. I do not think that is an issue at all, because it is irrelevant in the broader scope of things.

The fact of the matter is he should have declared an interest, in my view, morally, even though statutorily he did not do anything wrong. That is the difference, in my view. Morally, there is no doubt in my mind he should have declared an interest, but the fact that statutorily he was not required to do so is why I say that the Braddan Plan is not invalidated.

Do you see where I am coming from? I am not supporting the fact that he did not declare it; I think it was totally wrong that he did not declare it. What I am saying is that there was no reason to withdraw the Plan, and in fact Mr Rimington said that himself.

That land was earmarked for further investigation in the 1982 Development Plan Order.

Mr Pass: You say that the advice of how density – again, the technical advice – came from DoLGE.

Mr Corkhill: That came out of discussion with DoLGE.

Mr Pass: Was it informed by any other guidance notes, for instance, from the UK?

Mr Corkhill: I think the advice from DoLGE was based on UK advice.

Mr Pass: As a Commissioner, and as a planning

consultant, can you see any sense in that, (**Mr Corkhill:** Yes.) as we are a separate jurisdiction?

Mr Corkhill: Yes, I can, but I do not think... As far as I am concerned, UK advice and planning circulars are useful, but they are certainly not sacrosanct, and any judgement we would have made, or I would have made personally, is based on my own appreciation of what happens locally. I have been involved in a lot of development areas.

Mr Pass: But you are unusual, if not unique, on the Commissioners, in having a planning background and, if somebody quoted UK advice or precedent, an untutored Commissioner would probably not know how to handle that.

Mr Corkhill: I do not think that the densities were specifically from UK guidance. I think the densities are from local knowledge. Certainly, eight dwellings per acre is not a figure you would find normally, and I think it comes from local knowledge and from common sense, to be honest.

The Chairman: Mr Downie.

Mr Downie: There is one piece of the jigsaw, then, that we need some further clarification on. We have got plenty of evidence to show that Miss Corlett was removed from having any involvement in this area quite early on; in fact, Mr Vannan gave that in his evidence. If that is the case then, who did the Commissioners have dialogue with about the zoning and about the density of Area 14? Can you provide any evidence of that?

Mr Corkhill: The initial Issues and Options document highlighted Mount Rule, including this area, as an area where further development could take place. There is an area on the south side of the crossroads, on the other side of the road. I think the Department, from memory now, suggested that there could be, again, eight houses in there.

I know that the Department sought outside advice in the drafting of the Issues and Options document; it did not just come from Sarah Corlett. There was – because I nearly went into partnership with him – a UK planning consultant who is sometimes based in the Isle of Man. He –

Mr Downie: Mr Ryzner, no?

Mr Corkhill: That is him, Kaz Ryzner.

Mr Downie: So you think, given the sensitivity of this in the Department, and the clear –

Mr Corkhill: I do not know. That is just conjecture on my part, but the document emanated from the Department, or the designation emanated from the Department, in the first draft of the Issues and Options document.

Mr Downie: So, what we are really looking for is some evidence to show that there was an independent or a different view taken from the Department to show that they were aware of Miss Corlett's involvement and she should not be involved in Area 14 because of her close proximity of residence.

Mr Corkhill: I think, from my understanding, the evidence is there that she withdrew from consideration of that specific part, but I do not know, because I am not party to that.

The Chairman: The number of dwellings recommended for Area 14 ended up, ultimately, at 16 as the density, compared with the eight per acre, and in your evidence you said that was initiated by the Department. Was the Commissioners' reaction to that significant... You thought it was good?

Mr Corkhill: No, we thought the extra allocation was an overdevelopment of the site.

Sorry, that is *my* view. We have not discussed it as a specific, because it never progressed that far, but it is my view that that was an over-allocation of housing.

The Chairman: Too many?

Mr Corkhill: The nature of Mount Rule is that there are various styles of houses, many of which are in spacious grounds and spacious gardens, and I think that is where the eight came from. We were trying to be...

The Chairman: In any sense, did it seem to be a good thing, in that it increased the density of land already known to be zoned in an effort to contain possible unwanted zonings or development elsewhere?

Mr Corkhill: I do not think so. I think the Commissioners' policy and view has always been that each community should retain its own identity. We totally opposed the development of Camlork, for instance, because it would coalesce Union Mills and the Strang into one sprawling community, rather like Birch Hill has happened. We did not want that, we do not support that, but we do see that there is room for expansion in each of these individual areas and, again, Mount Rule has consistently been presented, both by the Department and supported by the Commissioners, as an area where further expansion can take place. For instance, I have referred to the plot on the south side of road.

Mr Downie: Used to be Forsyth's field? That is the one.

Mr Corkhill: The Department advocated, from memory, six dwellings for that site, but we said no, there should be no more than three, because we felt it was an over-intensive development of Mount Rule. We also supported the redevelopment of the Mansion House. The Department disagreed with that.

Mr Downie: And that has had a long planning history.

The Chairman: When we go on to paragraph 16 in your letter, following this theme, you say:

'However, the authority wished to have the number of new dwellings identified in the Plan so it would contain any attempts by developers to get too much land zoned, and potentially developed, within the life of the Plan. In the authority's opinion, if the latter was allowed, potentially pressure could then be applied on the planners for even more land to be brought forward for consideration for development, which may have included Areas 1 to 4.'

So, clearly, the more dwellings you could get built into the Plan to be accommodated elsewhere, the less would be the pressure to bring in new areas for residential zoning; indeed, including Areas 1 to 4.

Mr Corkhill: Again, it is a subjective thing, isn't it? We believed, in the allocation of additional land for development that we supported, that there was more than enough capacity for various densities of housing to meet the needs of the Parish for the next 10 years.

What we did not want to happen was for, say... Going back to Area 25, that is a massive site. If a developer started on that and then decided not to proceed, then there is pressure to release land elsewhere, because the developer has control of that whole site. What we were saying was that we should have a designation of development density and phased development before any further land was released.

The Chairman: Who initiated that line of thinking?

Mr Corkhill: It emerged in debate in the Commissioners. Certainly, I support that view, and I possibly promoted it.

The Chairman: Is it not unusual for Commissioners to get into that level of detail, of numbers of new dwellings?

Mr Corkhill: I do not know whether it is unusual, but I do not think it is unreasonable.

Mrs Hodge: It is certainly something we would consider, if we were looking at a specific planning application –

The Chairman: Yes, indeed, but overall –

Mrs Hodge: – but at this stage –

The Chairman: – for the Parish, is that not a matter for... It is very detailed planning consideration. You would not normally expect a local authority to get into that amount of detail.

Mr Corkhill: Why not?

Mrs Hodge: We would have had in mind, or they would have had in mind, the number of houses that they perceived to be required in the Parish over the... I think they were then talking about a 10-year period. So they would be thinking where it would be appropriate to put *x* number of houses, but...

Mr Corkhill: I think possibly –

The Chairman: It would be the Strategic Plan more that would establish overall requirements, would it not?

Mr Corkhill: Not necessarily. The Strategic Plan refers to policy directives –

Mrs Hodge: To the designations, isn't it, really.

Mr Corkhill: – and designations, but it does not quantify or specify particulars, does it?

The Chairman: So the authority had a policy of wanting

overall number of new dwellings in the Plan specified, in order to contain attempts by developers to take the pressure off zoning unzoned land, is that right?

Mr Corkhill: Yes.

The Chairman: What do you say to the suggestion of the previous Minister, that in the whole of this there was a pattern established where the local authority was favouring one developer, and what would ultimately benefit that developer compared to another one?

Mr Corkhill: Absolutely not; I refute that completely.

At the time, we were promoting various aspects of land. Area 25: Heritage Homes had not acquired that then. It certainly had not acquired Camlork Farm, and as far as we were aware, when we made our recommendations for allocation of land use, there was no question of land ownership, and that has never been a consideration, as far as the Commissioners are concerned.

The Chairman: As to the inconsistency with which planning criteria were applied, and according to the site – this is in the evidence that we have been given – inconsistency in, for example, drainage matters or visual impact, which had the ultimate effect again of benefiting the interests of one developer compared with another, what would you say to those suggestions?

Mr Corkhill: I can honestly say I do not believe that ownership by any particular developer has ever been an issue that the Commissioners have taken into consideration.

As far as we were concerned, it was always on land use, and if we have supported, or not supported, designation of a piece of land, it has been on general planning grounds, or specific planning grounds. For instance, Vicarage Road. There was a suggestion that there should be some development on the other side of Vicarage Road – on the top side of Vicarage Road – and we have never supported that because we thought that was crossing the line.

The same as – on a broader thing – I think the development on the western side of Johnny Watterson's Lane, although it is not in our Parish, is wrong. It had always been a planning understanding that Johnny Watterson's Lane was going to separate and contain the development of Douglas, and now it has crossed over that, and it could just continue developing out.

The Chairman: So what you have said is consistent with your view that you applied strict criteria to your consideration of the local planning process.

However, Mrs Hodge, the board has taken a view recently that the actions of the former Clerk, at least in terms of the advice given and the non-declaration of interest, has caused the board as a whole – at least the majority of the board – to view that the Plan is unsafe and support its withdrawal.

Mrs Hodge: Yes.

The Chairman: Again, with the benefit of hindsight, do you not acknowledge that there could be a pattern here related to being led by a very strong former Clerk, a particular pattern of the way sites were assessed, which in hindsight supports and strengthens your view that it was unsafe for

that Plan to go ahead?

Mrs Hodge: I am afraid it does, Chairman, yes.

When you start looking at what has happened since, and when you start looking at things with perhaps a somewhat less naïve eye than... I am sure previous boards of Commissioners, if they were being led, they were probably not aware that they were being led, because it was being done very cleverly, in the same way as our board has been led. Yes, I would look back and say it is more than possible that there was a separate agenda going on.

The Chairman: So, if I put a similar question to you: are you satisfied that the board, at that time... Acknowledging you have only been there since 2004, I accept that, but did the board, from your perception, apply objective criteria, or are you satisfied, should I say, that clear planning criteria were uniformly and consistently applied to different areas that were undergoing consideration for zoning?

Mrs Hodge: I really cannot say, Chairman. I was not there at the time; I did not hear the discussions. There is a limit to how much you can read into minutes and things that were reports of meetings. No, I could not comment.

The Chairman: Just back again to a specific then, on paragraph 16:

'Initially, the authority considered not objecting to the inclusion of Area 3 for development, as it was considered to be a useful extension to the Commissioners' properties at Jubilee Terrace. However, following a site visit made to Camlork by the Commissioners, the former Clerk and the Planning Officer, the authority changed its views, based on the field having poor drainage and being steep. The former Clerk, who had farmed this area, was involved in advising the board prior to the decision to change the policy.'

Who initiated this change of view in respect of the exclusion of Area 3?

Mr Corkhill: The board itself. I think it was my suggestion that we go and look at the land, and when we got up there we realised that it is alright looking at it on a plan base, on a piece of paper, but when you looked at the site, it was not suitable, in our view. We had been thinking along the lines that we could expand Jubilee Terrace to provide housing for the Commissioners, but when we looked at it, we realised it was totally inadequate.

The Chairman: Mr Pass.

Mr Pass: On that specific point, there were two reasons for its exclusion: poor drainage, and steepness. Poor drainage is surely a technical issue.

Mr Corkhill: It is.

Mr Pass: Who input that?

Mr Corkhill: When you walked on the land, you sank into the mud, and we believed that it was a difficult site to engineer; not impossible, but it was influential.

Mr Pass: There was no technical input into that planning input? It was just –

Mr Corkhill: There were reeds growing in the field and –

Mr Pass: Sinking to your ankles.

Mr Corkhill: Sinking to our ankles in it. Again, the Clerk had farmed the area, and he said it was a very difficult area to cultivate in a tractor, because of –

Mr Pass: So the Clerk had quite a say in that decision?

Mr Corkhill: Yes, but he did not over-influence the board. We took on board his knowledge – we were grateful for his knowledge – but he did not make the decision. The board made the decision, and it was a unanimous decision, when we were on site.

The Chairman: Mr Karran.

Mr Karran: If it is a steep site, and it has got drainage, surely the drain seeps to its lowest point.

Mr Corkhill: But it seems to be the catchpoint of the area.

The Chairman: Technically, is that difficult to resolve?

Mr Corkhill: Technically, it is obviously going to be resolvable, but on whether it was worth it, or not... There are properties on the Strang Road, which butt back onto that property, and whether you could have actually engineered it to take the water away in a satisfactory manner, without affecting them, I would not know. We did not go into it that far. We just realised, on looking at it, our first appraisal was wrong.

The Chairman: And you stick by that decision?

Mr Corkhill: Yes.

Mr Karran: What sort of professional advice did you take, apart from the Clerk's and yourself?

Mr Corkhill: There was no professional advice taken. It was just the board itself and, I suppose, relying on my knowledge.

Mr Karran: Can I ask then... The point is that it is steep, boggy land, but of course it is steep, boggy land that accommodates cattle, so it is worth only £5,000 an acre. All of a sudden, if it gets planning, it is steep, boggy land that is worth £400,000, or say £350,000 at the time. Surely the engineering situation would have been resolved quite easily as far as that is concerned.

Mr Corkhill: The other consideration was that we have always and consistently supported development of the field on the other side of the road, behind Coronation Terrace.

Mr Pass: Area 7.

Mr Corkhill: Area 7, and we felt there was sufficient land there to provide any extension of the Strang public

housing, if we needed it, and also with the school going there. So there was quite a lot of consideration in deciding that we had initially pursued the wrong course.

Mr Karran: Can you just explain: we are talking about the land behind the Strang Stores now?

Mr Corkhill: Yes.

Mr Karran: Obviously, that is at a higher level – I suppose it is flatter – but surely that land there is far more visually disadvantaged. When we were talking before about Area 23 – or whichever it was, across the road from the Wagon and Horses – I would suggest that land would be at far more of a disadvantage.

Mr Corkhill: We are talking about a different concept, but if you... The viewing point for that area is probably the top of the Lhergy Cripperty, and if you look at Lhergy Cripperty, you can see that it would be a vast intrusion to develop Camlork, but the land behind Strang Stores, even though it is further up, actually absorbs better into the landscape.

If you look further up the road to Ballamillaghyn Estate, which would be, visually, where an extension of this land would be – although we have always maintained there should be a field left in between Ballamillaghyn Estate and Area 7 – it will not be as intrusive, because of the natural contours of the land.

Mr Karran: But surely this proposal... Alright, from Lhergy Cripperty, yes, but you would see it from the Mountain Road, surely, over there, if you did develop up around that way, no?

Mr Pass: I would not have thought so.

The Chairman: Just moving on from the contents of the Commissioners' submissions to the Plan, and looking at that part of the remit that deals with any deficiencies or relationships which may have allowed the Commissioners or the Clerk to have had an improper or unfair influence on the failed planning process, on page 5 of your letter you say:

'It may be considered that there was a deficiency in the manner in which the DLGE conducted the review of the Plan. It may be argued that the DLGE allowed a planning officer and the Commissioners to take ownership of the Plan, contrary to the letter and spirit of the law. However, the board of Commissioners has consistently stated that ownership of the Plan lay firmly with the Department.'

Could you perhaps explain that paragraph? Does this mean did the board allow the Clerk and the Planning Officer to take charge?

Mr Corkhill: No, not in the least.

The board had an input and, as you say, took more interest possibly than other commissioners, but I do not believe that was a bad thing, and I do not believe, from my own involvement, that there has been any undue influence by any party on the deliberations of the Plan. I certainly have taken my own view, and I have been quite forceful in promoting my views, and I do not believe that we had any undue influence in the submissions we made, but we had always consistently said that we are a consultee – we are not the owners of the Plan – and any input we may make can be

changed by the Department.

The Chairman: Do you see, then, your role, as a former planning consultant, as adding to the Commissioners' debate on these planning issues a considerable value which might not have otherwise been there? The board may have relied more on the Clerk, and the Clerk's advice, than your planning knowledge.

Mr Corkhill: Yes, I think you may be right, but I know for a fact that, as far as Braddan Commissioners' deliberations were concerned, perhaps I was a balancing influence, if the Clerk had tried to unduly influence; but he did not, as far as I am concerned. He gave advice, we listened to that advice, and we either accepted it, or not.

The Chairman: Were you quite often in the position of being the one testing proposals from the Clerk?

Mr Corkhill: Yes, and I think it is fair to say now, when we do planning, both I and Mr Jessopp, in a way, lead the board in putting forward planning ideas, but the board all contribute, as well. Mrs Hodge has knowledge of planning in the UK.

The Chairman: Yes, that is fine.
Mr Karran.

Mr Karran: Can you then explain... We have been given the impression from other local authority plans that there certainly was not the same sort of involvement, as far as the minutiae of the planning, as far as the Department and the Commissioners. Why was it so different for Braddan, over Laxey and Lonan Plan, and other areas?

Mr Corkhill: Because we were more interested. I do not know. I cannot answer on their behalf.

Mr Karran: No, the point is that it does seem rather strange that we are being told by you that it is all hunky-dory, and the situation is that when we talk about the Department's involvement with a local authority, there seems to have been an inconsistency, as far as looking at the Braddan Plan and the activities of your officers and the Department's officers over other –

Mr Corkhill: No, I do not think so.

I think, from past knowledge, Braddan is a critical area for development and, with my experience, I am glad to put that into use to assist the Commissioners.

I do not believe our input has been any heavier, or any greater, than the influence of Douglas Corporation on the Douglas Plan. In the past, I have been a consultant and appointed by various people, but certainly the level of involvement by the Douglas Corporation, and by the Douglas MHKs... I know that, for instance, David Cretney has been very vociferous in certain allocations within the Douglas Plan, and I do not think it is wrong. I do not think there is anything wrong with our level of input into the Plan; in fact, I am very proud of it.

Mrs Hodge: I think, from my experience of Braddan, we do embrace things, and we do go into things very thoroughly. I think it was probably simply that the members of the board

at the time did take an intelligent interest in planning issues. What other authorities did is really for them.

The Chairman: So that supports where you say a pragmatic arrangement for locally-elected representatives to negotiate with the Planning Officer responsible for the preparation of the Plan, to obtain what you consider the best deal for the residents of the Parish. That is essentially the approach of the Commissioners, to review the Plan.

Mr Corkhill: Yes. I think, as a background, too, Braddan is different than other parishes. We have had a lot of pressure on us to take what might be called unwelcome development. There was the prison, the hospital – we opposed the hospital – the incinerator. It was as if Braddan was the dumping ground outside Douglas.

The Chairman: So, given the breadth of the issues, and the very evident wish of the Commissioners to keep fully up to speed, and the Plan as it was evolving, did the Clerk actually, as part of that, negotiate with the Planning Officer and report back to the board?

Mr Corkhill: There were discussions between the Clerk... and he did report back to the board, and we would take note of those discussions and deliberations, but we would make our own decisions. Margaret is aware there are many times when I have disagreed with the Clerk's planning advice.

The Chairman: Because then, later on, your submission says:

'However, the very recent revelations of the relationship between the former Clerk and the Dandara group of companies may be of sufficient magnitude to question whether any of the former Clerk's advice to the Commissioners, or negotiations with the Planning Officers, could be relied upon to be totally impartial.'

Given that, do you consider that the board questioned the Clerk's advice sufficiently?

Mr Corkhill: Yes, I do.

I know that when Mr Gawne was Chairman, the Clerk was constantly challenged on his advice, and I certainly would challenge him on any planning advice, and any other issues that might be raised that were of interest to me, and of particular interest to the people who elected me.

The Chairman: Just in the same section, your submission says:

'All this may suggest to a reasonable person that the relationship between the former Clerk and the Dandara group of companies is sufficient to raise, at the minimum, the perception of a conflict of interest. If this perception is accepted, then there has to be a question as to whether it was appropriate for the former Clerk to be in a position where he could potentially exert influence on the outcome of the Braddan Plan, which would have a major financial implication for various developers.'

The Commissioners looked at this Plan for quite a long time, didn't they? (**Mr Corkhill:** Yes.) – four years – and all the time the Clerk was in discussion and meetings, and advising the Commissioners, which you vigorously challenged, where necessary.

Was there not enough suggestion, at a much earlier stage, of the Clerk's relationship with Heritage Homes, to raise concern during all this three-or-four-year period?

Mr Corkhill: I have known the Clerk for many years, and I have not always got on with him. In my time, there have been questions raised about his involvement with Bill Campbell, and that company has been involved... There has been a question raised about whether he was connected with Heritage Homes and with all of the major developers.

It is the Isle of Man, and rumour is rife all the time, but as far as the deliberations of the board are concerned, I can say that we were not unduly influenced by anything the Clerk gave, and I do not believe there was any influence exerted, particularly in the outcome of the Braddan Plan.

At the end of the day, the Braddan Plan was considered by James Mossop, as an independent inspector, who wrote his own Report. I have the greatest respect for that man, and he would have made his own conclusions. If there had been any undue influence by developers on anybody, he would look at it in a purely planning perspective.

I am also aware that Braddan Commissioners, as a board, looked at it purely in the planning perspective. There was never any undue influence exerted on the board.

The Chairman: Yet your submission has described Mr Lewin as a key adviser. Those were the words: 'key adviser'.

Mr Corkhill: Of course he is. He is the chief executive, and it is his role to go and get information and feed it back to the board, on the instructions of the board, and depending on what that information may say, or depending on how it is presented, the board has to give due consideration to that as well.

The Chairman: From your knowledge, Mr Corkhill – and you have had professional planning dealings with Mr Lewin, as you have told us – would you describe him, as a Clerk, as... How would you describe him: as conscientious, forceful, manipulative, persuasive?

Mr Corkhill: Certainly manipulative.

Mrs Hodge: All of the above, I would say.

Mr Corkhill: Probably every one of those. He was conscientious, in his own way.

The Chairman: Were you conscious that he was manipulative, to the extent of –

Mr Corkhill: I have always known he was manipulative.

The Chairman: Pardon?

Mr Corkhill: I have always known he was manipulative, and I have known him a long number of years.

The Chairman: Yes, and you have... Would there not, then, be real potential for the board to be manipulated?

Mr Corkhill: No. If you are aware of what he is like,

you know how to counteract that.

The Chairman: But we have heard, from your submission, it was only after these concerns that Mr Kennaugh raised, and Mr McKinney, post-Inquiry, that alarm bells seemed to ring, Mrs Hodge.

Mr Corkhill: That is with the board, but in my position, I was aware of those potentials. There may have been a potential years ago.

When we first deliberated the Mount Rule Plan, or the Mount Rule area, there was a lot of influence from previous deliberations. The previous Braddan Plan specifically highlighted Mount Rule as an area for investigation for redevelopment, and it was of high priority. That was going to be, outside the Braddan Plan, the next area within Braddan that was going to be subject to its own inquiry.

The Chairman: Just coming back then, you joined the board in 2000. Was that May 2000?

Mr Corkhill: No, it was September; it was at a by-election.

The Chairman: Yes, a by-election. So, by September 2000, the Local Plan process, before you joined the board, had been going on for about a year.

Mr Corkhill: No, the Issues and Options document... Sorry, yes, it had been going on for about a year.

The Chairman: Yes, September-October 1999. The first discussions, I think, were August.

During that time, was the board not potentially open to suitable manipulation by the Clerk? You were not on it at the time, of course.

Mr Corkhill: I do not believe so.

The Chairman: But there would be potential for that, presumably.

Mr Corkhill: There is always a potential for anything, isn't there, but as far as I am concerned, I know... Mr Gawne was the Chairman at the time, and I know that he would not have been manipulated. I have every confidence in the integrity of the board.

The Chairman: That is fine. Thank you.
Mr Downie.

Mr Downie: The Chairman, Mr Speaker, has alluded to Mr Lewin's relationship with Dandara. You are probably aware that there was a contractual arrangement between Mr Lewin and Dandara regarding the hire of certain plant and equipment.

Mr Corkhill: Yes, I am aware. He declared that at one stage, as far as I can recollect. That was before my time on the board.

Mr Downie: Yes, but given that was an ongoing relationship, do you not think that the Commissioners should have been making sure that nothing was going on, to protect

the credibility of the Commissioners, particularly during an extensive planning process?

For example, there is policy within Government now where a Minister, or a Member of a Department, never goes to a meeting on his own; there is always somebody there to take notes, or somebody who can assist, if they are called, to state what happened at the meeting. Have the Commissioners instituted something like that since this has happened, or do Clerks go and attend meetings with developers on their own?

Mrs Hodge: I do not think they would attend meetings with developers on their own, no. The way we tend to operate at the moment is that, if anyone is interested, they can come along to a meeting.

Mr Downie: This is new?

Mrs Hodge: This is relatively new, I suppose, yes.

Mr Downie: So, it has happened in the past.

Mrs Hodge: In the last year.

Mr Corkhill: From my recollection, from 2000, I do not think the Clerk would have been given any authority to go and negotiate directly with a developer. He may have had approaches from developers which he has relayed to us, and in that... I know that we have had approaches from not just Dandara, but other developers as well, about various land uses.

Mr Downie: I am not suggesting there is anything wrong. All I am suggesting is that questions could be brought against the credibility of the Commissioners and the ability of the Clerk to wheel and deal when, at the end of the day, the Commissioners very clearly, in my view, should be in the driving seat.

Mr Corkhill: In my view, that is true; we are in the driving seat.

Mr Downie: You are content that has happened all the way through this planning process?

Mr Corkhill: Yes.

Mr Karran: You talked before about working together with Mr Jessopp, as far as planning issues are concerned, but how long has that been going on, allowing for the fact that for a long time it was almost like a state of war within the Commissioners, as far as Mr Jessopp was concerned, with the rest of the board?

Don't you feel that your input today has been rather a viewpoint with rose glasses, as far as saying that you were in control, when, if that is the case of what was going on, don't you think, maybe, some people should not be in the position of being in the local authority after the next election, if you are all trying to make excuses?

Mr Corkhill: You have raised several points there, and I am not sure what they are.

As far as I am concerned, I have always believed in the integrity of the board, and the board has always been

in control, as far as I am concerned. We have had good leadership from Alan Gawne, we have had good leadership from Mrs Hodge, and I have no doubts in my mind about the integrity of the board.

You have to rely on the chief executive to give you advice. We have all got other interests; he is employed full time to supply the board with information. It is up to the board to consider the information on the basis that that information has been acquired, and I have given deep consideration to the advice I have been given.

I firmly believe that I have not been subjected to undue influence. I have always made my mind up on my own knowledge and experience.

Mr Karran: So, since the removal of the chief executive, have other things come to light to prove that you did not have your finger on the pulse, that you are trying to make out that you did have?

Mrs Hodge: I believe that is the case.

Mr Corkhill: That is the case.

Mrs Hodge: I think that definitely is the case.

As far as relationships with Mr Jessopp are concerned, which is something you raised just now, I think certainly in the last year, relationships with Mr Jessopp have been very much better. I think the disparity between the rest of the board and Mr Jessopp was very much fostered by the previous Clerk, for whatever reason.

The Chairman: Just turning back to the issue of land ownership, I think you have clearly stated that land ownership is not an issue in respect of considering local plans.

Mrs Hodge: It should not be.

Mr Corkhill: That is a basic planning fact.

The Chairman: Yes. In applying your considerations to residential land and industrial land, have you ever had occasion to question land ownership, or raise land ownership as an issue?

Mr Corkhill: No, there is no need to; it is not a consideration.

The Chairman: Is it not the case that, following the issue of the Draft Plan, and in the lead-up to the production of the written statement that was to go to the Inquiry, the Commissioners made comment to the Department to the effect that you were expressing concern that industrial land is all within the same ownership?

Mr Corkhill: Yes, we did. We made the point that there should be additional land released at Ballapaddag, because we felt that –

The Chairman: Yes, but I am not talking about land designation; I am talking about land being in the same ownership. (**Mr Corkhill:** Yes.) How did the board get to the position of knowing who owned the industrial land, if that is not an issue?

Mr Corkhill: The only industrial land available for

development was Ballacottier Business Park, and we know that was in the ownership of Dandara, or Heritage Homes, or whoever they are.

The Chairman: But you did make the comment to the Department:

‘The land which is designated is all within the same ownership, and this is prejudicing the fair and economic release of land for industrial purposes.’

Mr Corkhill: Yes.

The Chairman: I am just curious as to how... What was the relevance of the ownership of the industrial land?

Mr Corkhill: The relevance is, as you have just said, we were concerned. It is not a planning issue, but we were concerned at the control and release of that land.

Mr Downie: They were big parties to object in planning, because they were joining the landowners. I see that.

Mr Corkhill: As far as land ownership was concerned on these other sites, the...

Mrs Hodge: The Commissioners can have no control over land ownership. Land can change hands. Developers can buy up a plot of land which we might regard as being very innocently owned, and all of a sudden it changes hands, so we have no control over that.

Mr Karran: Can I ask a few questions?

On the minutes of the meetings, obviously they are agreed by all the members and, if a member says that... They can object to the minutes from the previous meeting.

It was interesting that Mr Mason was in a very bad state – I know, as the former MHK for the area – and he got on to me about it. The only minutes that we can find relating to Mr Mason... The following meeting, he seemed to have done a U-turn, as far as some dispute that, obviously, was not put into the minutes. I do not know whether you were aware of the great concern that Mr Mason had, as far as something to do with the running of Braddan Parish Commissioners, some time ago? I am, just out of interest, wanting to know whether you can recall anything as far as an issue, or a dispute, as far as Mr Mason was concerned?

Mr Corkhill: No.

Mrs Hodge: That was before my time, no. I did not even know Mr Mason, I am afraid. I have heard very good things of him, but I did not know him.

Mr Karran: The other thing I would like to ask also, Chairman, when we talk about the appointment of consultants, as far as the pay of these people, I take it that the Commissioners were told before the fact – not after the fact – as far as any consultants were concerned. The likes of any proposals would have to come to the board. The selection process would be left to you; it would not be left to the likes of the Clerk to decide on who –

Mr Corkhill: It was not left to the Clerk at all. It is a board decision.

Mr Karran: And there are procedures to prove that?

Mr Corkhill: Yes. It is referred to in this, part (b). They refer to the appointment of Turley’s, and you can see from paragraph 5:

‘The Commissioners had considered the appointment of various consultants, including Ryzner, Lovejoy’s...’

and there were others.

‘...but resolved to appoint Robert Turley on the basis of previous contractual experience, local knowledge in respect of the Braddan Plan, and the depth and availability of additional consultancy resources.’

So it was a board decision and I was party to that final decision. In fact, you can see in the preceding paragraph that Alan Gawne and I, and the Clerk, travelled to Manchester to discuss the appointment with Turley’s.

The Chairman: I think we are just winding up now, but obviously you dealt with the Planning Officer for about three years in the lead-up, Mr Corkhill. How would you describe the Planning Officer, in terms of her approach, or her dialogue, with the Commissioners? What was your experience?

Mr Corkhill: I have always had a high regard for Sarah Corlett, as a planning officer, in my dealings with her. I have not always agreed with her, and she has not always agreed with me.

Similarly, when we had discussions with her on the Braddan Plan, there were issues that we did not agree with with Sarah Corlett, and that she did not agree with us, but we all worked together to produce a document at the end of the day where we had some input, but it was her responsibility to finalise it, and, as I am aware, she excluded herself specifically from Mount Rule.

I think she was very fair, in overall terms.

The Chairman: She obviously worked closely with the former Clerk, as we have heard, both at meetings which the Clerk would refer to, and directly with yourself. How would you describe her professional relationship with the former Clerk?

Mr Corkhill: Professional.

Mr Downie: Can I ask –

The Chairman: No. I am sorry, Mr Downie. You have given evidence you believe the former Clerk is quite manipulative. Would you see scope –

Mr Corkhill: He would not manipulate Sarah Corlett.

The Chairman: He would not manipulate Sarah Corlett?

Mr Corkhill: No.

The Chairman: Mr Downie.

Mr Downie: We go back to the old thing that has caused the problem here: the complaint by Mr McKinney. I need to

understand from you... You say that the McKinney complaint was aired on the last day of the planning inquiry, yet it is quite obvious that he made a complaint both to the Commissioners, I think, and to the Department of Local Government and the Environment.

Can you tell us anything further about the basis of the McKinney complaint, other than Miss Corlett was living in the location?

Mr Corkhill: Yes.

Mrs Hodge: I think that is all. That was the basis of Mr McKinney's complaint, that he felt that... It was not a personal complaint about Miss Corlett at all; it was simply the fact that the Planning Officer who was overseeing the review of the Plan lived in the area, and therefore, from Mr McKinney's point of view, there could be a perception of bias.

Mr Corkhill: But, equally, Miss Corlett was very fair, and I know she attended McKinney's house on a couple of occasions to discuss the Braddan Plan with him, and I believe she met the Braddan Residents Association, who he was involved with, and addressed them, but there was no allegation of any perception of bias as far as that was concerned. She attended his house.

Mr Downie: Thank you.

Mr Karran: I take it you are still an active planning consultant; you have still got a business?

Mr Corkhill: Well, yes.

Mr Karran: So you have still got to work with these people?

Mr Corkhill: Yes.

Mr Karran: The only other thing that I would like to ask the pair of you is about the gross misconduct, as far as the removal of the Clerk. The Braddan Plan was not the issue that caused the –

Mrs Hodge: No.

Mr Corkhill: Not in the least.

Mr Karran: It was other things.

Mr Corkhill: No, it had nothing to do with the Braddan Plan.

The Chairman: Our first term of reference is deficiencies or relationships which may have allowed the Commissioners, or their Clerk, to have had an improper or unfair influence on the failed Plan process. In your written evidence, you have covered a number of these areas, but how would you sum that up, Mrs Hodge?

Mrs Hodge: As far as I am concerned, it is hindsight, and it is from my reading of the minutes and records that were taken at the time, but I think it was right that the Plan was withdrawn, because I do think there was the possibility

of a perception of bias. There was both that and the question of a conflict of interest, as far as the Clerk was concerned, in his ownership and sale of a piece of land that was being considered and also his relationship with a very prominent local developer.

The Chairman: You said very clearly just there 'a perception of bias', which is in accordance with the *Pilling* judgment. You would not, presumably, accept then actual bias, or bias that would, through a process of manipulation, have affected the ultimate decisions that the Commissioners made.

Mrs Hodge: I think there probably was, but I cannot prove that. All I can go on is my own experience of the way the Clerk – as Mr Corkhill has said – was very manipulative and very clever in the way he manipulated people. I think that, possibly without realising it, they were influenced.

Mr Corkhill: All I can say is, categorically, I refute that because...

Mrs Hodge: I know I was influenced.

Mr Corkhill: My planning knowledge –

Mrs Hodge: I can look back now and I can see where I was manipulated and misguided in advice given from the Clerk.

Mr Corkhill: I perfectly agree with that.

The Chairman: And Mr Corkhill, you do not agree with...

Mrs Hodge: But then I had known Mr –

Mr Corkhill: As far as the Braddan Plan is concerned, I do not believe there was any undue influence. I believe it was all...

The Chairman: Do you believe any attempt at manipulation or bias was resisted sufficiently by the board?

Mr Corkhill: I do not think there was any attempt.

I think I am fortunate in having the experience I have got, and I use that for the benefit of the Commissioners.

I think, too, at that time, the leadership of Alan Gawne was paramount, and I know for a fact... He will give his own evidence, but I know for a fact he would not be duped by the Clerk.

If you know what he is like, you know how to deal with him; you know how to take his advice and what weight to give it. Certainly on planning matters, I would not have been in anyway duped or unduly influenced.

The Chairman: Would you accept the charge of perception of bias – if not actual bias – such as to warrant withdrawal of the Plan, perception of bias, in hindsight?

Mr Corkhill: No. How far do you take it? The perception of bias... Where do you draw the line? You cannot. This is a subjective matter. We all live in the Isle of Man. We live in

Braddan. Are we going to be unduly influential in the drafting of a plan? I do not believe so. I think we looked after... We took advice from the... That is the most fundamental document that there was, and that gave a lot of guidance to the board in formulating their decisions.

The Chairman: Sorry, what document?

Mr Corkhill: The questionnaire –

The Chairman: The questionnaire, yes.

Mr Corkhill: – that I am submitting...

The Chairman: So the Commissioners saw themselves very much as being driven by public opinion, (**Mr Corkhill:** Yes.) following the questionnaire.

Mr Corkhill: That was always our declared position.

The Chairman: In that case, you were nonetheless applying, as you have told us, consistent planning principles. What happens if public opinion runs counter to what consistently-applied planning principles should say would happen?

Mr Corkhill: I am not aware that it happened, but in that circumstance you would have to make a reasoned decision.

The Chairman: Because, you see, the charge is that there has been an inconsistency in the way land has been treated.

Mr Corkhill: I do not believe that at all.

The Chairman: You do not accept that?

Mr Corkhill: I do not accept that at all.

The Chairman: And where the public opinion just so happens to disagree with a particular proposal for zoning, you would approach that particularly carefully, presumably, if there was a question that, in order to be consistent, knowing that the public did not want this land to be zoned in a certain way...

Mr Corkhill: It depends on how far you consider the input from the public. In planning, there is –

The Chairman: But that is the most important document,

you said, to the public, the questionnaire.

Mr Corkhill: Yes, but that came from a broad spectrum of people in the Parish. What I am trying to say is that you cannot please all of the people all of the time. If there is an element of nimbyism – not in my back yard – comes through from a particular group of residents, you have to look at it for the overall benefit of the Parish. I think, in our considerations, that is what we did.

We recognised there was a need for additional housing, we recognised there was a need for additional industrial development, and we have supported various initiatives that have emerged in the Plan to provide that need, and we think in a balanced way.

The Chairman: The need for residential development, was that addressed in a similar manner?

Mr Corkhill: Yes.

The Chairman: The petition – a number of 400-odd signatures – was that not, however, a highly persuasive factor in –

Mr Corkhill: Are you talking about the Camlork land?

The Chairman: About the Camlork land.

Mr Corkhill: Yes, but the board had always consistently opposed Camlork.

The Chairman: In this reappraisal, given the consistency and the public opposition, you felt comfortable with the planning decisions and considerations that were the criteria that were applied to the various areas of land –

Mr Corkhill: Yes.

The Chairman: – and today you would stick by that?

Mr Corkhill: Absolutely, yes.

The Chairman: Thank you very much.

If there are no other questions, I would like to thank you both. Mrs Hodge, Mr Corkhill, thank you very much for your time and assisting this Committee. It is much appreciated. Thank you.

The Committee sat in private at 1.00 p.m.