



**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, Thursday, 28th June 2007**

**Members Present:**

Chairman: The Speaker of the House of Keys (Hon. S C Rodan)  
Mr P Karran, MHK, Mr A Downie, MLC  
with Mr M Cornwell-Kelly, Clerk of Tynwald

*Clerk:*  
Mr L Crellin

**Business transacted**

	<i>Page</i>
Procedural .....□	3
Administration of the Oath .....□	3
<b>Evidence of Mr John Rimington, former Minister for Local Government and the Environment</b> .....	<b>4</b>

*The Committee sat in private at 3.55 p.m.*

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## Tynwald Select Committee on the Affairs of Braddan Parish Commissioners

*The Committee sat in public at 2.30 p.m.  
in the Millennium Conference Room,  
Legislative Buildings, Douglas*

[MR SPEAKER *in the Chair*]

### Procedural

**The Chairman (Speaker of the House of Keys, The Hon. S C Rodan):** Good afternoon, everyone, and may I welcome you all to this meeting, which is a sitting of the Select Committee of Tynwald on the Affairs of Braddan Parish Commissioners. It is being called... It is the first of our oral sessions to take evidence in public session.

The Committee was established by Tynwald in January this year and it may be helpful, at this stage, if I set out our remit, which is to investigate, and I quote:

‘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 and, in conducting that investigation, to have particular regard to:

- (1) the circumstances regarding the sale of land owned by the Clerk and to make recommendations as to the advisability or suitability of the Clerk to have had a continued involvement in the Plan’s process on behalf of the Commissioners;
- (2) the Clerk’s and the Commissioners’ conduct and their response once it was brought to their attention of a potential conflict of interest or of an inappropriate conduct by the Clerk during the Plan review process;
- (3) the content and the preparation of the Commissioners’ submissions to the Plan process and support or otherwise for land zoning, as proposed by various parties;
- (4) any 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; and
- (5) the process in which the Clerk and Commissioners contracted professional advice in respect of their submissions during the Plan review process.’

So that, ladies and gentlemen, is the text of the remit that this Committee has, as we start our investigation.

I would begin by introducing my colleagues on the Committee: on my left, Mr Peter Karran, MHK; on my right, Mr Alex Downie, MLC; assisting the Committee, the Clerk to the Committee, Mr Les Crellin; we also have Mr Malachy Cornwell-Kelly, Clerk of Tynwald, who is going to be at the earlier part of this afternoon’s proceedings only; and we have Mrs Ellen Callister, who is the *Hansard* Editor responsible for recording today’s proceedings.

At this point, may I ask everyone to ensure that mobile phones and so on – any electronic apparatus – are switched off to avoid any interference with the recording.

I would also point out that you may, during the course of this afternoon, hear for a few seconds what sounds like a battery alarm coming from the ceiling. There is no need

to worry about that. There is a slight problem with one of our testers. It does not indicate that there is a problem that requires us to do anything about, but it may be a distraction, so just be aware of that.

The Committee has made the decision that witnesses, including this afternoon’s witness, will be required to give evidence under oath, or to make an appropriate declaration, and I, having said that, would therefore call forward and welcome our witness for this afternoon, Mr John Rimington.

Good afternoon, Mr Rimington.

**Mr Rimington:** Good afternoon.

**The Chairman:** The Committee is, of course, aware that you, as a former Minister for the Department of Local Government and the Environment, were responsible for withdrawing the Draft Braddan Plan and, in inviting you to commence these proceedings, we would be asking you to set out your reasons for doing so and the concerns that you had and to identify for us the issues which have caused you to take that action.

I would remind you, Mr Rimington, that you address the Committee under conditions of parliamentary privilege. I am aware that, to assist the Committee, you have given an advance copy of a statement that you wish to present and in a moment I will invite you to present that statement.

I would make the request that you, at your convenience, send an electronic copy of that to our *Hansard* Office because this will expedite the production of the *Hansard* record of this afternoon’s proceedings, which will then be made available to the public.

### Administration of the Oath

**The Chairman:** So, Mr Rimington, I am going to invite our Clerk, Mr Cornwell-Kelly, to invite you to step forward to take the solemn oath, or make a declaration.

**The Clerk of Tynwald:** Please stand.  
Would you prefer to take the Oath, or to make a declaration?

**Mr Rimington:** The Oath, sir.

**The Clerk of Tynwald:** The Oath?

**Mr Rimington:** Yes.

**The Clerk of Tynwald:** Sir, if you would hold this in your right hand and say after me:

*Mr Rimington took the Bible in his right hand and repeated the Oath, phrase by phrase, as administered to him.*

**Mr Rimington:** I, John Rimington, swear by Almighty God, that the evidence that I shall give to this Committee this afternoon and in any continued hearing will be the truth, the whole truth and nothing but the truth; so help me, God.

## EVIDENCE OF MR JOHN RIMINGTON

**The Chairman:** Thank you, Mr Rimington. Please be seated.

Having taken the oath, I now invite you to present your evidence and statement of case to the Committee, sir.

**Mr Rimington:** Thank you, Mr Chairman, Members of the Committee.

Just for those who are sitting behind me, just to warn them in advance that this will take some considerable time.

The process of the Braddan Plan was subject to challenge by various parties from the time of the Public Inquiry in June 2003 and onwards thereafter. I became Minister of the Department in late June 2004 and was immediately in receipt of communications from Quinn Kneale, advocates acting on behalf of Baccarat Ltd, concerning land known as Area 14 in the Plan and other aspects of the Plan process. The Committee has a full record of this correspondence.

The previous Department, with Mrs Crowe MLC as Minister, had only just considered the Inspector's Report into the Plan and had accepted that Report subject to a few minor modifications. This process was then repeated with the new Department and we held a special Department meeting, by recollection, in September 2004. Again, subject to a few minor modifications, the Inspector's Report was accepted. The principal designations for development land had been accepted by the Department although there was an outstanding concern on the applicability of the term 'Strategic Reserve', which the Inspector had used for the Camlork site – Areas 1 to 4 in the Plan.

The Plan was now nearly ready to be progressed to Tynwald for its acceptance or otherwise. However, this could not take place as it was already subject to a formal challenge which was being investigated. This challenge was known as the McKinney complaint – namely that the Plan process could be invalidated by virtue of the principal Planning Officer, responsible for working on the Plan, residing within the Parish of Braddan and the 'perception of bias' that would, therefore, arise, as per the *Pilling* judgment.

Prior to October 2005, I had been content with the ongoing challenges and investigations into the Braddan Parish Plan process being handled by my officers and in accordance with the appropriate decisions recorded at Department meetings. After consideration of the Report by Mr. C McGreal into the McKinney complaint the Department decided, at its meeting on 9th February 2005, that:

'the Director of Planning & Building Control be nominated to be the individual responsible for determining, in the first instance, whether or not a potential conflict of interest or allegation of bias had any foundation in relation to planning matters, that he should involve both the Chief Executive and, if necessary, the Attorney General's Chambers in determining whether or not, given the particular circumstances of the case, the allegation was such as to disqualify the officer concerned from acting in a particular case'.

Mr McGreal had found that a 'perception of bias' was caused by the Planning Officer residing in the district of the Plan, although this, in itself, did not necessarily invalidate the Plan.

At the Department meeting on 9th March 2005, the minute records:

'The Chief Executive advised that further advice had been received (..) which indicated that the McGreal Report could have implications

for the process undertaken so far by the Department in the preparation of the draft Plan. Therefore, the Chief Executive advised that he had asked the Director of Planning & Building Control to review previous files covering the involvement of all the Planning Officers during the preparatory work. Mr McCauley advised that, owing to other commitments, he would not be able to start this research until after the Easter period'.

On 4th October 2005, Mr H Kennaugh of Baccarat Limited, at his request, spoke to me and Mrs Yvette Mellor, Deputy Chief Executive. At this meeting he produced a copy of the Deed of Sale of land known as Area 14 in the Braddan Plan between C S Lewin and Dandara Limited, dated December 1999, for £278,250. A further copy of a Deed of Sale was produced for land known as Area 7 in the Braddan Plan between Glenmire Limited (a Dandara subsidiary) and Mrs Paton dated November 2004 for £6.1m. At this point, I was already aware of the existence of the Area 14 Deed of Sale, as Mr Kennaugh had produced this to Braddan Parish Commissioners a few days earlier.

In a nutshell, the substance of the Baccarat complaint was that the Braddan Plan process was influenced against the interests of Baccarat and, conversely, for the interests of another developer.

Following this meeting, my interest in the Braddan Plan process was heightened. By electronic memorandum of October 10th, I asked:

'I would like to review all the correspondence, which I presume will include a volume of e-mails from the Clerk, to and from Braddan Commissioners, on the Braddan Plan from the appropriate point in 1999 to summer 2004.'

By coincidence, I received an Interim Report from Mr McCauley on 12th October 2005, which simply listed, as appendices, a limited range of documents in relation to (a) perception of bias; and (b) development of proposals for Area 14. There was no analysis or conclusion.

The Committee has this Report. In short, the full investigation requested in February, and again in March 2005, had not taken place and no further investigation took place.

Before continuing, it will superficially appear that I am being critical of Mr McCauley. I am not. I have the greatest respect for Mr McCauley, his professionalism and his ability to manage his Directorate in the most trying of circumstances. With hindsight, the Department had asked him to perform an impossible task and I must take responsibility for that.

The Planning Directorate was, and still is, desperately short of professionally qualified staff. They had enough problems dealing with the 2,500 annual planning applications in a satisfactory manner, let alone progress the Strategic Plan and the many other tasks that fell upon the Directorate. If Mr McCauley had undertaken the investigation, as requested, and when requested, the long awaited changes to the planning system could not have been introduced in autumn, 2005. Work on the Strategic Plan may have been further delayed.

Also, with hindsight, it was inappropriate for the Director to be asked to investigate the conduct of his officers with whom he has, by necessity, a close day to day working relationship. The Director was also being asked to investigate a Plan process with which he had become directly involved. The Director presented the Department's case to the Public Inquiry after the involvement of the Planning Officer had been challenged and he had assumed direct responsibility

thereafter. How was he expected to investigate a Plan process which he had taken ownership of, however belatedly?

I withdrew the Plan because it was unsafe and, in my opinion, was unlikely to withstand legal challenge or achieve approval by Tynwald.

The McKinney complaint had been investigated by Mr McGreal who, in relation to the Planning Officer's residence in the district, had determined that a 'perception of bias' existed. This finding, in itself, did not undermine the validity of the Plan, provided it could be demonstrated, by investigation, that no actual bias took place.

The sale of the land (Area 14) by Mr Lewin of Braddan Parish Commissioners to Heritage Homes for £278,250 also created a 'perception of bias'. Area 14 was land with only an agricultural value. The land was then promoted by the Commissioners for residential development at every stage of the Plan. The 'perception of bias' is self-evident and does not require further expansion. Mr Lewin, as Clerk to the Commissioners, was a public official and held a key position in relation to the Braddan Plan process.

Without the need for further substantiation, the validity of the Plan was undermined by the existence of this double 'perception of bias' against the two public officials most intimately involved in the formulation and progression of the Plan, with the second 'perception of bias', arising from the Clerk's actions, being the most serious.

Further investigation, as outlined below, did little to counter this 'perception of bias' and served to heighten the concern that actual bias took place. My investigation does not provide sufficient authority to establish whether 'actual bias' took place or not. The Committee will have to form its own opinion on these matters and consider whether or not further investigation is required.

Prior to my investigation, there was one other item of evidence that strengthened my decision to withdraw the Plan. I came into possession of the fax, which I now provide a copy of to the Committee.

**The Chairman:** If you could bear with us one moment, Mr Rimington.

**Mr Rimington:** Yes.

**The Chairman:** Thank you very much.

**Mr Rimington:** As you will see, the fax comes from Dandara Holdings Ltd. It is to 'Buster Lewin, Braddan Commissioners', and is from an employee of Dandara Holdings, an office employee, and it is in respect of David Cooper, of a company called Goulden's in London. The fax says:

'Dan asked me to arrange a meeting between yourself and David Cooper of Goulden's, which I have arranged for 2.00 p.m. on Friday, 12th May 2000 at his office, address as follows: Goulden's, 22 Tudor Street, London, EC4Y OJJ.'

and at the bottom it says:

'Dan suggested you may wish to call Mr Cooper to discuss details prior to your meeting.'

This particular piece of paper came from the Braddan Local Plan file.

First of all, I can say that this particular piece of paper did

not come with the copies of documents that we had requested from the Department. It had obviously, by that stage, been removed from there, or was not part of the body of documents which were submitted by Braddan Commissioners to the Department when they eventually did send all the required documentation in late November/early December 2006.

My research of this company, Goulden's... Goulden's does no longer exist, but it was a legal firm and has now been subsumed by another legal firm in the City of London – my concern being from that is that it illustrates a relationship, a relationship of which I do not know – and I do not wish to speculate what was there – between Dandara and Mr Lewin that required him to attend a meeting to discuss matters in London. I find that most unusual for the business of the Clerk to Braddan Commissioners to have any such business in London with a legal representative.

**The Chairman:** Can I ask, Mr Rimington, whether you are aware if such a meeting took place, this particular meeting?

**Mr Rimington:** I am not, no.

**The Chairman:** You are not aware.

**Mr Rimington:** No.

**The Chairman:** Thank you. Please continue.

**Mr Rimington:** Whereas a complaint of actual bias has been made against a Planning Officer of the Department, and this was being investigated under due process, I decided to investigate the Braddan Plan process separately as –

(a) the internal investigation required by decision of the Department had not taken place and appeared to have 'stalled';

(b) my general concern as to the conduct of Braddan Parish Commissioners and the self evident 'perception of bias' arising from the sale of Area 14 by the Clerk; and

(c) the direct verbal complaint by Mr. Kennaugh which was that the process of the Braddan Plan was influenced unfairly against his company's interests and favoured the interests of another.

In conducting my investigation, I reviewed all the public documentation; the submissions by all parties to the Issues and Options (I & O) May 2000 consultation and the April 2001 Draft Braddan Plan (DBP) consultation, leading up to the June 2003 Inquiry; internal records of the Department; correspondence with Braddan Parish Commissioners and other parties; Mr McCauley's report of October 2005; various notes from the Estates and Housing Directorate on land-ownership issues and other incidental documentation. I have viewed the main development sites in contention and I have also viewed the same from a range of more distant vantage points. I do not claim that my investigation was exhaustive, although it was comprehensive.

Although the remit of the Committee is solely with the actions of the Commissioners and its Clerk, it is unavoidable that I will comment on actions and decisions of my previous Department at both officer and political level. It is in the public interest that these matters are brought into the open, in order that we can, collectively, learn from any failings and develop a more robust planning system in which the

public can have confidence. I do not claim that my actions and decisions are above criticism.

While it is correct that the Department should consult with the Local Authority in the preparation of a draft Local Plan, the practice was taken to the extreme in the case of the Braddan Plan. The Commissioners were party to the submissions received and were closely involved with the formulation of the three draft documents, to the extent that they had the opportunity to comment and amend each of them a number of times before they were issued to the public. It can be adjudged that the Commissioners were given an equal, if not greater, status than the Department and its team of professional officers.

This unusually close involvement is partially recognised by the Planning Officer in paragraph 2.4 of the January 2003 Modifications document, where it states:

‘Braddan Parish Commissioners did not submit a formal response, but, having had the benefit of consideration of the views received, made comments in great detail directly to the Planning Office in respect of all of the Plan’.

and in paragraph 2.2 of the report to the Department of November 2001, where it states:

‘Braddan Parish Commissioners did not submit responses in the normal way. After the Issues & Options’ responses were received, and after those submitted in response to the first draft, the Commissioners and I met several times and discussed the issues raised and possible alterations to the plan. I then submitted the amended version which they returned to me with their comments.’

This close relationship is further evidenced by the letter to the Commissioners of 14th July 2001, which demonstrates that all the submissions were forwarded to the Commissioners and sometimes with the Planning Officer’s response to such submissions. The record of correspondence demonstrates that the Planning Officer met with the Commissioners, and often just with the Clerk, on numerous occasions, and there was a fairly incessant flow of correspondence.

I recall my involvement, as a Rushen Parish Commissioner, with the formulation of the Arbory and East Rushen Local Plan in the mid 1990s. As a statutory consulted party, our involvement with the same Planning Officer was only a small fraction of the involvement of Braddan Commissioners. The Committee may wish to verify the level of involvement afforded to Commissioners with other Local Plans.

Neither the 1934 Act nor the 1999 Act indicates that such a high level of responsibility for the formulation of a Local Plan should be accorded to any Board of Commissioners and nor, I am sure, would it be the wish of Tynwald. The Planning Officer and the Commissioners appeared to be intertwined as one and the political role of the Department, as decision maker, became primarily a mechanism for authorizing the combined views of the Commissioners and the Planning Officer. There was not an appropriate level of detachment.

I shall now look at residential land. I shall begin with the audit of the proposed housing allocations which were submitted to the Public Inquiry.

Appendix 1 of the Modified Braddan Plan, February 2003, shows a possible 901 additional dwellings for the Inspector’s consideration, of which:- 560 were in land under, or which became under, the ownership or control of the Dandara Group, namely Areas 7, 14, 25 and 23; 131, land under ownership and control of Government; 55, land under ownership/control of Kirby Estates – Areas 10 and 12; 32,

land under private ownership, Mount Rule – Area 13; 40, land at Mount Murray; and 83 dwellings in smaller parcels, ranging from one to 12 dwellings; the notable exclusions being Areas 1-4 (Camlork land) of 47 acres, Area 27 of 29 acres, and the remainder of Area 10 (the acreage of that which is unknown to me), and the latter two parcels owned by Kirby Estates.

The above imbalance in provision of development land should, in itself, instigate a review of the Braddan Plan process, in order to satisfy both the Department and the general public that the allocations result from an unbiased and professional process.

The Plan process commenced in September 1999 with the issuing of a draft Issues and Options document to the Commissioners. They met with the Planning Officer to discuss this on 27th September 1999 and the Commissioners resolved that the Plan process had begun. Shortly after this, and before October 8th, the Clerk organised a minibus tour of the Parish for the Commissioners to consider the options for development land.

There is a body of correspondence between Mr Lewin and the Planning Officer containing numerous references to meetings held, telephone conversations and drafts of the I & O document going back and forth for amendment.

The lengthy Commissioners’ letter of 8th October 1999 covered many points of detail. Of note, first, they strongly requested the inclusion of issues on the merging/separation of villages and hamlets by not allowing/allowing development. Second, they made references to Union Mills and Strang and the separation issue – which is the Camlork land – and wished for this to be reflected on the accompanying plans. Hence the plan subdivided the Camlork land, a matter of detail of concern to the landowners; and, thirdly, they sought the specific inclusion of the Drinkwater land (Area 25) and the Business Park land at Clybane (Area 23) to be raised as an issue (or suggestion) for housing provision.

At this time, I understand that Dandara already had an option for Area 25 and also had an option to purchase Area 23 from the DTI. The Issues & Options document introduces the Camlork land with its own dedicated Issue 12, which really invites a negative response.

‘Issue 12: some of the Areas are situated in between The Strang and Union Mills, which at present are physically separate from one another: should the two settlements be permitted to merge or should policies and land use designations be introduced as part of the Area Plan to retain green, undeveloped space between the two?’

This contrasts sharply with the approach taken in Issue 10, which invites a positive response.

‘Are there existing settlements which could accommodate further expansion into the surrounding area without detriment to the amenities of the immediate vicinity or the area as a whole? For example, the land between Ballafletcher Road and Port-e-Chee Meadow has been suggested as an area worthy of consideration in terms of its potential for accommodating further development’.

Even though the final Issues & Options document (dated May 2000) was an early stage in the Plan process, the shape of the draft Plan and the following Modified Plan was already being formed. The principle of the separation of villages and hamlets was being strongly promoted – and I invite you to also look at Issues 7 and 8 – and this appeared to have the purpose of removing the Camlork land from a fair consideration.

There was no balance with the inclusion of other issues such as:

‘Should land which is classed as having a High Landscape Value and Scenic Significance be developed?’

That would have invited a negative response and mitigated against developing Area 7. Or:

‘Should development avoid areas of high ground visible from a wide range of vantage points?’

That would have invited a negative response also and mitigated against developing Area 7 and Area 25.

The fundamental premise of planning is to lessen the visual intrusion of the development on the landscape. To that end, I believe that major development on high ground should be avoided wherever possible.

In my opinion, the proposed major development of Area 7 should not have been so readily countenanced. It is a major expansion into the open countryside on high ground which is visible from far and wide. All of Area 7 is higher than all of Areas 1 to 4. The Modified Braddan Plan states:

‘Much of the site is tucked away behind existing development and would have a limited visual impact...’.

This, in my opinion, is complete nonsense, as even a cursory examination of the local map demonstrates. The Department in its Inquiry submission, 16D, states:

‘The visual impact of the development is considered by the Department to be a positive one which will visually reinforce and consolidate the character of The Strang.’

and in 16C:

‘It will consolidate the settlement in establishing this as a settlement, as viewed from the south’.

The description of The Strang as a ‘settlement’ is tenuous, as it only has one small shop and a few buildings of a more traditional character. Otherwise, it is a large group of houses of no distinction spreading into the countryside around the crossroads. There is no settlement to consolidate and nor is there a discernible character.

Area 7 is designated as an ‘Area of High Landscape Value and Scenic Significance’ and, whilst recognising that this does not preclude development, the proposed development should have been approached with far more caution and scrutiny.

If, for the purposes of the Island’s overall well-being, it is necessary to develop in the open countryside and create what many would class as a ‘blot on the landscape’, then let us recognise what we are doing.

I accept that developing the Camlork land (Areas 1 to 4) would also be a ‘blot on the landscape’. What I cannot accept is that it is necessarily a worse ‘blot on the landscape’ than developing Area 7.

My Department’s evidence to the Inquiry (referenced previously) was, in my opinion, a polemic against the Camlork land and a blinkered support for Area 7. These two possible development areas were not held in balance and presented professionally. It was not surprising that the Inspector, in his Report when referring to the Camlork land, said that:

‘Despite the objections raised, this site is not one which should be precluded from development.’

and he is the second independent Inspector to come to that conclusion.

I will remain with the Camlork land. The master plan for Areas 1 to 4 included a relief road, stretching from the main Peel road to the Strang. This proposed relief road was subject to considerable opposition by the Department on two grounds: visual intrusion and road safety.

The visual intrusion opposition relates to views from the Lhergy Cripperty, the Snugborough area and also a mysterious ‘when viewed from above’.

The road safety argument is tenuous and is not shared by the Highway Authority. By contrast, in DoLGE evidence, 16B, development of Area 7 is promoted as being of benefit for road safety, for the same part of Mount Rule Road as which the Camlork development would be detrimental. The views of the Highway Authority were, in my opinion, misrepresented at the Inquiry in DoLGE, 16A.

The relief road through the Camlork land was strongly supported by the DoT throughout the Plan process. The DoT’s submission to the Draft Braddan Plan quite emphatically contradicted the road safety grounds, stating:

‘Any disbenefits arising out of additional traffic in Mount Rule Road could be offset by a traffic management scheme’.

This was a Strategic Road issue which would have provided an improved road access from the west to the new hospital, Tromode, etc and relieved pressure on Strang road. This should not have been arbitrarily dismissed and it should have been discussed strategically at Department level, with an opportunity for a corporate input from the DoT. This unwarranted dismissal of the strategic relief road, for narrowly focused (and questionable), local concerns gives further credence for the discontinuation of such Local Plans and the introduction of the Area Plan system.

The Camlork land was designated as ‘Open Space’, whereas Area 7 has an accepted Area of High Landscape Value and Scenic Significance designation. These contrasting landscape designations appear to have proved problematical. In a letter of 3rd August 2001 to the Commissioners, the Planning Officer writes:

‘I have also tried to explain in the section on Open Space how areas which are designated as Open Space and not within areas of High Landscape Value and Scenic Significance are not available for development and have tried to strengthen the presumption against development at Camlork (paragraph 10.2)’.

This modification on landscape designation was approved by the Department meeting of 28th November 2001.

Although Areas 1, 2 and 4 of the Camlork land were not included in the April 2001 Draft Plan, Area 3 was. This was a small field of just over 5 acres, situated to the south west of the Strang crossroads.

If any small development could be described as consolidating the Strang settlement, then this field was a strong contender. The request to remove Area 3 was first made by the Commissioners in a detailed response to the draft text of the Draft Braddan Plan, dated 13th September 2001. This then evolved into a proposal in the report by the Planning Officer to the Department meeting of 28th November 2001:

‘The Commissioners are aware of the Petition against the development of any of the Camlork site (441 signatures from the Strang area) and the concerns about opening the door to development which may ultimately lead to the development of the site as a whole. The Commissioners and I visited the site several months ago and noted that the site is very uneven and possibly unstable in nature and there would appear to be a watercourse running through. As such, the land available for development would appear to be more limited than is indicated on the Plan. The Commissioners suggested, and I would agree, that we may be in a difficult position later if this is accepted for development, as the development of the limited area available may be considered unviable and either may be pressured to accept more land to make it viable or to undertake significant engineering operations to make more of the site developable.

In conclusion, the Commissioners and I have agreed that it would be better to delete the area for development and this is dealt with in paragraphs 4.40 and 4.41. However, the Commissioners have also indicated that they would not like to see the development potential lost and have suggested that they will reconsider the proposals for the other side of Mount Rule Road. We have come up with an idea which allocates a little more land for housing development....’

The reasons for the rejection of Area 3 are highly questionable and are not evidence based.

I have visited the site and I can see no factors which would impede development. There is no evidence of land instability or any requirement for significant engineering operations or any other condition to limit the viability of the land. Even if there was such evidence, this would be a matter for the developer to address and would not normally affect the suitability of the land in planning terms.

The additional reasoning, that allowing one field to be developed will make it harder to resist further development, also has no standing. To accept such logic would be to provide reasoning for all development to cease in the majority of locations.

In addition to removing the only development potential for Baccarat, the Department and the Commissioners then proposed to compensate for this loss of housing by increasing the housing provision in Area 7, which expanded accordingly. These changes were accepted by the Department on 28th November 2001, a few days after the General Election, when I suspect the level of scrutiny may not have been at its highest.

These changes were later confirmed by the new Department, following a paper from the Director of Planning (24th January 2003), which states:

‘There are only a few significant changes to the Plan and these have been fully agreed and supported by Braddan Commissioners. These concern the layout of land to the north of Strang crossroads, where the Commissioners and the Planning Officer resolved to remove a small piece of land to the south west of the crossroads and replace this land to the north..’

It is worthy to note that Area 3 was even supported by the Dandara Group, as it was a logical extension of the Strang and there could be few legitimate professional arguments against it. The Dandara Group followed the standard practice of most developers of arguing strongly against the development prospects of their commercial rivals but chose not to on Area 3.

I will now move on from the Camlork land. The Dandara group had an option on Area 25 and this was supported strongly by both the Commissioners and the Department from the outset, despite this land being on high ground and representing open space between Douglas and Braddan. The arguments against Areas 1-4, the coalescence of settlements,

etc., are also valid for Area 25 but were conveniently ignored.

Yet again, the inclusion of this land demonstrates the weakness of the Local Plan approach. Its value as a green open space in between Douglas and Braddan is more relevant for the residents of Douglas than for the residents of Braddan, yet Douglas residents had no voice in the Braddan Local Plan.

The report to the Department by the Planning Officer of 28th November 2001 does finally recognise (in paragraph 5.9) the objections to this site and the possible policy contradictions in supporting it. However, any possible conflicts or suggestion of removal are ignored, as:

‘This is the largest of the sites identified as being suitable for housing and its loss would represent a significant problem in addressing housing needs’.

Thus, whether desirable or otherwise, Area 25 had to remain, as it was *necessary* for housing provision.

This contrasted sharply with the treatment of Area 27, which is land off Vicarage Road and not controlled by Dandara. In both the Draft Braddan Plan and the Modified Braddan Plan, the land is discussed at length and the Department recognises that previous objections to its designation for development are no longer valid, following the expansion of Douglas:

‘The Department believes that this site could be developed for residential purposes without affecting detrimentally the amenities of those who live close to the site or those who view it from further afield.’

That is paragraph 4.129 of the Modified Braddan Plan.

However, the Department argues that it has already identified sites for the necessary housing provision and therefore:

‘The Department would not consider it appropriate to designate this site for development due to the availability of other land which would consolidate existing settlements and be less visually apparent in the landscape.’

(Paragraph 4.130). Therefore, in contrast to Area 25, which was *necessary*, Area 27 was not supported because it was *unnecessary*. It is an unfortunate sleight of hand that seemingly describes Areas 7 and 25 as ‘less visually apparent in the landscape’. A potential 400 houses on the land behind Braddan cemetery would not consolidate any settlement.

In the Department’s report of 28th November 2001, paragraph 5.8, Area 27 is finally discussed:

‘Area 27 represents a site on the Braddan side of the Vicarage Road which has been suggested by the owner, W T Campbell, as being suitable for housing but rejected by the Commissioners and the Department. We have received clarification from the Department of Education that there is no need *per se* for a new Primary School in this location unless there are to be more houses in or around this site. As this site has been rejected for housing, there is clearly no need for a school here’.

These are unsound arguments. Area 27 was only rejected because Areas 7 and 25 were included in the Plan. The next paragraph (5.9) then insists that Area 25 must remain to provide the necessary housing provision.

You may have noted that the quoted report says that Area 27 was rejected by the Department. This is technically

correct. At a special Department meeting of 23rd March 2001, and prior to the publication of the April 2001 Draft Braddan Plan, the Department decided that Area 27 should not be designated for housing. No reasoning was given and recent research has been unable to unearth any supporting papers.

I find this disturbing. It is not the role of the political members to arbitrarily remove land out of a Plan unless there is some overriding national or strategic reason, which should be published and for which they can be held accountable. No reason for its rejection surfaced at any stage of the Plan, other than the Department had already identified sufficient housing land elsewhere – predominantly in the control of the Dandara group. Even the Inspector in his Report (paragraph 428) limited his comments to the following:-

‘..Neither do I consider that Area 27 should be shown for residential purposes, in view of the allocations already made.’

Before leaving the general subject of residential land, there are two other matters I would bring to your attention.

First, the Committee should have been given some details of the negotiations for ownership of Area 7 (which is, coincidentally, also called Camlork land). The Department wished to purchase the land and had been in discussion with the vendor’s advocate during 2002. The Department was unable to raise the capital funds necessary and, strangely, gave informal permission at ministerial level for the Commissioners to pursue the purchase of the land. The involvement of both the Department and the Commissioners in the process is concerning.

It is incredulous to consider that the Department could have sanctioned the purchase of this land (at £5m plus) by the Commissioners at a cost to the ratepayer of circa 140 pence in the pound on their rates. I am not aware that the Commissioners intent to purchase was ever made public. Capital borrowing by any Board of Commissioners has to be sanctioned by the Department after a due process has been completed. That due process would have been invalidated by the informal permission already given.

The Commissioners, and in particular the Clerk, were very keen to become involved and replace the Department in the negotiations. There is a strong suspicion that the Clerk’s involvement was a decoy to help secure the land for Dandara, who were already seeking to acquire the land and eventually did so.

Neither the Commissioners nor the Department should have been attempting to purchase the land at this stage, for two good reasons: first, in 2002 the Modified Braddan Plan had yet to be published. Purchase of the land ahead of the Inspector’s Inquiry was prejudicing a fair and balanced appraisal of the options for residential land allocation; and secondly, purchase of the land ahead of the actual zoning of the land would place a considerable sum of public money at risk. The Inspector might have ruled strongly against the inclusion of Area 7. Tynwald might not have approved the Plan. As it happens, for other reasons, the Plan has been withdrawn.

The second matter I bring to your attention may appear minor but it merely adds to the body of circumstantial evidence that the Plan did not give a balanced appraisal of the Camlork land. The majority of the larger sites for development would require extra work by the Water Authority and/or the developer and would be dependent on

the new Water Treatment Works coming on-stream. There is not a great body of evidence from the Water Authority on the acceptability, or otherwise, of the different sites.

However, by e-mail of 20th November 2000, the Chief Executive of the Water Authority states that:

‘Areas 1 and 2 are difficult to supply and Areas 10, 11 and 12 are very difficult to supply and would take time to put in the water mains’.

In both the Draft Braddan Plan and the Modified Braddan Plan the word ‘difficult’ becomes ‘extremely difficult’ for Areas 1 and 2, whilst ‘very difficult’ becomes ‘difficult’ for Areas 10, 11 and 12.

Then we go on to other land designations. There are three areas of concern that I have identified; the first being the industrial land to the south of the Cooil Road.

The Draft Braddan Plan contained a modest extension of the existing Ballapaddag land to the south west. This was generally supported by the various parties, although rather obscurely by the Commissioners and not supported by the Dandara Group, and the land in question was not in their ownership or control at that time. The Department meeting of 23rd March 2001 had resolved:

‘The zoning of the land south of Cooil Road for light industrial use should be in respect of the area to the west of the building occupied by Robinsons Ltd, as opposed to the east of that building.’

And, yet again, I am concerned with the appropriateness of that decision.

In late 2002 and just before the Modified Braddan Plan was due to be finalised and published, the Commissioners requested a major expansion of this land to include much of the Ballavagher Farm land to the east and south of Robinsons. This was brought to the Department meeting of 5th February 2003, without reference to the Department’s earlier decision in 2001, and the paper from the Director of Planning states:

‘The Commissioners have always been concerned about the lack of available industrial land and it has become apparent in recent months through the submission of planning applications on land which is not yet designated for industrial use, that the land which is designated is all within the same ownership and that this is prejudicing the fair and economic release of land for industrial purposes. The Commissioners are, as such, keen to ensure that not only is there sufficient land allocated for this purpose, but also, wherever possible, that the land which is allocated is owned by a variety of individuals and organisations to avoid the monopoly situation which appears to be prevalent at the moment. In this respect, they have suggested that additional land be allocated for industrial purposes on the south western side of the Cooil Road..’

The monopoly situation they referred to was widely accepted as being the domination of the Dandara group in this particular market place. At first sight, it appears that the Commissioners are being very publicly minded with this sudden and rather late change of heart on the extent of the industrial land in this location.

It is my understanding that the change of heart by the Commissioners followed – by pure coincidence, no doubt – the establishment of an option in 2002 to purchase the Ballavagher land by the Dandara Group. The Committee will also be able to use its wide ranging powers to establish the exact time when that option was first agreed.

As it transpires, there were later disagreements and the Dandara group lost that option, causing the Ballavagher land to be purchased by other parties some time after the Public

Inquiry. The Dandara group had now changed its evidence to the Braddan Plan. Its evidence to the 2003 Public Inquiry now supported development, residential and industrial, for the whole of the Ballavagher land.

It appears that the Department was misled by the Commissioners with their lengthy discourse on ending the monopoly in industrial land. In reality, it appears that the very opposite was taking place and that the monopoly was being consolidated. I am sure the Committee will be able to establish from exactly where within the Commissioners' body of members and officers this sudden change arose.

As a personal footnote, I have no objection in planning terms to the larger industrial allocation approved by the Department.

The second remarkable coincidence exists with the late addition of land for waste treatment around the Energy from Waste Facility. It was first promoted by the Commissioners to the Planning Officer in a letter of 9th December 2002, as a potential Civic Amenity Site, even though the Department had signed the Lease for the Middle River Site 11 months previously. Waste Management Officers from the Department agreed with its proposed designation and even suggested the area should be increased to allow for an access road to the rear of the Energy from Waste Facility and landscaping. The Department approved its inclusion in the Modified Braddan Plan on 5th February 2003. In the Director of Planning's paper, dated 24th January 2003, it was described as:

'...additional land should be allocated for purposes associated with waste disposal and recycling, alongside the EfW, for such processes as the disposal of animal waste, recycling, civic amenity and the storage of waste for processing.'

Without delay, on 26th February 2003, the Commissioners submitted a planning application for a Civic Amenity Site adjacent to the EfW, which required approval, even though the Department was still committed to the Middle River Site. The EfW Civic Amenity Site was never progressed and, shortly afterwards, (28th October 2003), with the land usage neatly set in planning precedent, Dandara had a successful planning application to establish its own recycling centre on this land. Dandara purchased the land for £500,000 in November 2004 (roughly the same time as Area 7 was purchased) and that was shortly after the new Department had re-affirmed its support for the principal land zonings in the Plan. Another coincidence, I presume.

There was a recent retrospective application to regularise unauthorised activities at this recycling centre, as it had largely been used as a builder's storage area. At the same time, permission was sought to include business starter units and this has been successful. Thus the original proposed zoning for waste management purposes – which never reached Tynwald for approval – has craftily evolved into the beginnings of a business park for Dandara, retaining their near monopoly position, and partially compensating for their loss of the Ballavagher land.

Along with the following item, I invite the Committee to view the Planning Applications for this site and consider whether the public interest has been served by the manner in which both the Commissioners and the Department progressed these applications.

The last remarkable coincidence is the proposed inclusion of a golf course on land at Middle Farm. The proposal makes its first appearance in the 24th January 2003 report to the Department, where it states:-

'The Commissioners are aware of discussions between Douglas Corporation and recreation groups, the Department of Tourism and Leisure and the Department of Education in respect of facilities which may in time be proposed on the golf course (indoor tennis, indoor five aside, school facilities, etc, and possibly housing) and would wish to explore the possibility of alternative golf course facilities within the Parish. The owners of the land around Middle Farm have discussed this proposal and would be prepared to support such a policy within the Plan which would pave the way for such a development, on the basis that the use of this land as such would preserve the open aspect of it and also provided that the golf course were only that and not accompanied by proposals for hotels, holiday accommodation or housing.'

I am not aware of this body of discussions referred to by the Commissioners and this appears to be diversionary padding of no substance.

For reasons that I cannot establish, the proposed golf course was not approved by the Department and did not become part of the Modified Braddan Plan. However, it is pertinent to note that there was (and I am unsure as to whether it is still alive today) a planning application – and that is PA 05/253 – for such a golf course on Middle Farm by the Dandara Group. At least Dandara were more open in their intentions than the Commissioners. By letter of 8th March 2005, the Director of Tourism wrote to the Planning Committee Secretary and stated:-

'The Department has met with the developers and they made it clear to us that no golf course would be developed unless they could enter into an agreement to develop Pulrose Golf Course for housing and other community purposes.'

Yet again, the Commissioners were leading the way with new proposals which, in the final analysis, were for the benefit of the Dandara Group.

I now turn to the promotion of Area 14. The sale of this land by the Clerk to Dandara represents an obvious conflict of interest which, had it been declared, should have caused his further involvement with the Plan to cease. The land was sold after the Commissioners, no doubt with the benefit of the Clerk's advice, had determined the sites that they were willing to support as options for predominantly residential use. Area 14 was one of those possible land zonings.

The treatment of Area 14 was the subject of much correspondence from Quinn Kneale, advocates for Baccarat. By letter of 5th September 2003, the Commissioners, through their Acting Clerk, responded to Quinn Kneale on a variety of points, including:

'I can confirm that, prior to the review of the Braddan Plan commencing, the Department of Local Government and the Environment were provided with signed undertakings from the Commissioners and their staff, that besides their residential properties that they reside in, none of the Commissioners, nor their staff, own any land within the Parish.'

This was untrue, as the Clerk did not sell the land until December 1999, whilst the Commissioners themselves had resolved that the Braddan Plan process had started in September 1999. The Commissioners' declaration was in summer 2000.

As Area 14 only had an agricultural value but was sold at a development value, then the difference in price (circa £260,000) could only represent either –

- (i) altruism by Dandara, or
  - (ii) a strong expectation that the land would be zoned for development; or
  - (iii) a payment for services rendered or to be rendered;
- or

(iv) some combination of the above.

Area 14 was supported by both the Commissioners and the Department throughout the Plan process. It is not fully accurate to say that the Planning Officer had no part in the process and had stood aside from the decisions in the Mount Rule area.

The following points should be noted. First, it was a submission from Derek Lovejoy Partnership (acting on behalf of Heritage Homes) on Area 14 that prompted the memorandum from the Planning Officer to the Director of Planning and Building Control in July 2000.

Secondly, the Planning Officer provided the Director with a plan of the area, showing those designations (in red) that the Officer would support and those designations (in green) that the Officer would not support, and a draft text was also provided.

Thirdly, the Director agreed with all the suggested designations and the draft text was unaltered.

And, lastly, the suggested designations corresponded with the options identified and already published in figure 4 of the May 2000 Issues & Options document.

After the submission of an amended Draft Plan from the Commissioners (13th September 2001), the number of dwellings for Area 14 was increased from 10 to 20 in the text of the Plan, thus doubling its value to the landowner. It is unclear who in the Planning Office made this change from 10 to 20. The Commissioners could argue that they were promoting their policy on the maximum use of land, which they also promoted for Areas 5, 7, 8, 13, 23 and 25 – and this by letter of 23rd February 2001. However, as the majority of those proposed housing allocations were already under the control of Dandara, the promotion of this policy (which is not, or was not, Department policy) was to the direct commercial benefit of that developer.

It is improbable that the Planning Officer was not aware of the land ownership of Area 14. The land was immediately adjacent to the Officer's place of residence. The land had been subject to six planning applications from 1986 to 1997, all in the name of the Clerk or a readily identifiable company owned by the Clerk.

Furthermore, there is a process by which land is put forward for consideration in a Development Plan. Generally, the Planning Office is contacted by the landowner who wishes their land to be put forward for development and then there is a record of those land interests to be drawn upon when the Plan process commences. There is little point in including land within a Development Plan if the landowner has no wish for it to go forward, otherwise a large amount of public time and effort will be fruitless. The Committee will wish to inquire who put Area 14 forward (and possibly Area 7) as an option for development. It will not have arrived out of thin air.

The avid support for this development by Derek Lovejoy Partnership would alert the Officer to Dandara's interest and the likelihood that some sale or agreement to purchase had already probably taken place. The Dandara interest was not formally made clear until after the May 2000 Issues & Options document, which already contained Area 14.

Even if it is to be believed that the Officer did not know of the sale to Dandara, the Officer would know it belonged to the Clerk in 1997. The Officer knew that the Commissioners were supporting this land for development; land that appeared to be owned by the Clerk and that the Clerk would gain financially by a successful designation.

A professional Planning Officer would also know that the Clerk's interest in the land should have been declared, otherwise the Plan process could be legitimately challenged – as it has so been. The Officer had a responsibility to raise the matter of the Clerk's land-ownership with the Department and the Commissioners.

Equally, it is highly improbable that none of the Commissioners present in Autumn 1999 knew of the Clerk's interest in Area 14. There had been two separate planning applications for stables and a hay store, on different sites within Area 14, in July 1997 and October 1997 – each easily identifying the Clerk as landowner. These applications had to be considered by the Commissioners and, if nothing else, would be remembered as an occasion when the Clerk would have had to declare a conflict of interest. There was a more notable application in 1988 for 47 First Time Buyer homes. The Department will be able to verify to the Committee the extent to which the Commissioners' membership in 1997 was the same as in 1999.

It is also fair to comment that most Parish and Village Commissioners have a strong knowledge of land ownership within their district. The Clerk, and his family before him, had a longstanding and well known interest in land in the Mount Rule area.

In my opinion, if any Commissioner knew of the Clerk's land ownership and failed to raise the matter in relation to the Braddan Plan, then such a Commissioner has completely failed in their public duty and is not worthy of office.

Finally, there can be no excuse for the Clerk in failing to declare such an obvious and significant 'conflict of interest'. Whereas it is true that the existing Local Government Act did not require him to make such a declaration, as a previously highly paid public official, he cannot feign ignorance of one of the basic tenets of professional life. Conflicts of interest have to be declared throughout the public service and also within private corporations with shareholder responsibility.

The Clerk was not absolved by the Rawcliffe Inquiry into certain aspects of Braddan Commissioners on this matter. Mr Rawcliffe merely recognised that the law was not broken. He referred to the *Pilling* judgment and expressed a desire for the law to be changed, which it now has. Mr Rawcliffe was not charged with making a judgement on the Braddan Plan and nor was he given any such documentation to consider.

There is a body of circumstantial evidence within the foregoing to suggest that the Clerk was able to use his position to advance the commercial and planning interests of the Dandara Group. It is already on record that he owned a Plant Hire company which was being employed by Dandara at the time of the Braddan Plan process. There is the evidence of a meeting in May 2000 arranged by Dandara with legal representatives in the City of London for purposes yet unknown. There is a large body of proposals submitted by the Commissioners, under the hand of the Clerk, which, coincidentally, dovetail with the commercial interest of the Dandara Group.

The Committee will be able to question the Commissioners and establish where the Commissioners' suggestions originated from. The Committee will also be able to request the Clerk's voluminous output of memorandums, which have not been included in the documentation provided to the Department.

I now go on to just a few remaining other matters. The Clerk appears to have a distinct bias against the Camlork

land and/or its owners.

I have already referred to the treatment of Area 3. The Commissioners met on 17th February 2004 to discuss the recently published Inspector's Report into the Braddan Plan. The Clerk had already circulated a memorandum, dated 4th February 2004, itemising each element of the Report and making some form of recommendation on each matter.

Prior to the Commissioners' meeting of the 17th, the Clerk dispatched a letter (dated 11th February 2004) to the Director of Planning, informing the Director of the Commissioners' views on the Inspector's Report:

'the content of which was considered by the Commissioners at their meeting on the 10th February 2004.'

The letter concerns the Inspector's designation of the Camlork land as being acceptable for development and his introduction of the principle of a 'Strategic Reserve'. The letter says that:

'the Commissioners could not support the Plan in the event that the above principle was to be included'.

I can find no record of any Commissioners meeting on 10th February 2004.

The minutes of 17th February 2004 do not come to this unambiguous conclusion and give no authority for such a letter to be written. The Clerk had written in the name of the Commissioners on an important matter of policy, apparently without authorisation, prior to their consideration of the matter and he appears to have invented a meeting.

That concludes my consideration of the Braddan Plan. I make no judgement on whether Areas 1 to 4 or Area 27 should be developed for housing, instead of Areas 7, 23 and 25. I do not have that authority or the professional skills. I can say that the major areas of proposed development land were treated unevenly in the Plan process. The Plan was unsafe and the proposals need to be judged afresh in an even and balanced manner.

I will now turn briefly to the actions of the Commissioners once they were alerted to the Clerk's sale of Area 14. I only wish to summarise, as there are others who can, and wish to, give evidence on this matter and the complete record should have come to you from the Department, and I no longer have copies of all the documents to refer to.

However, there are a number of answers to Tynwald Questions and appropriate sections in the Department's reports and statements to Tynwald in April 2006 and October 2006 already in the public domain.

To cut a long story short, the Commissioners did nothing of substance to address the 'conflict of interest' issue. They delayed, they obfuscated, they tried to hide behind Data Protection legislation and they relied on the Rawcliffe Inquiry report. It is likely that they took these avoidance measures on the advice of their Clerk, who was meant to have been isolated from such matters.

I make this last suggestion because it is evident to me that the lengthy letter of 7th September 2006, printed in the Department's report to Tynwald, which covered this issue, amongst others, was drafted by the Clerk. The letter was signed by Mrs Hodge, who was Chairman of the Public Inquiry Committee, a body which deliberately excluded the Clerk.

Unfortunately, the Clerk has a distinctive linguistic style and the letter is unmistakably his. The Department has many

files containing letters from the Clerk and comparisons can easily be made. I also understand that the origin of the letter was witnessed.

I know there have been changes at the Commissioners in recent months and it is to be hoped a less confrontational and more responsible approach is being developed.

My very last point I wish to make concerns the role of the Island's principal media in covering this issue. The withdrawal of the Braddan Plan was unique and a serious step. My Tynwald statements, particularly in October 2006, strongly suggested that there been an unacceptable breakdown in public office. Manx Radio failed to give this any serious coverage and Isle of Man Newspapers did not report it at all.

There were matters of genuine concern and interest to both the ratepayers of Braddan and the general public of the Island, namely: the cost to the purse of both public and private parties from my decision to withdraw the Plan; the full reason for my decision, namely, the second and more serious 'perception of bias' arising from the Clerk's sale of land to the Dandara Group after the Plan process had commenced; the subsequent support for the zoning of that land for housing development by the Commissioners; the general support of the Commissioners for the land zonings put forward by the Dandara Group and the general opposition to the land zonings put forward by other major developers; and the unanimous endorsement by Tynwald to establish a Select Committee to investigate the role of the Clerk and the Commissioners in relation to the Braddan Plan.

I have expressed my concerns to the media involved. There have been staffing changes at Isle of Man Newspapers in recent months and I am hopeful that a possible source of bias and protection has moved on.

The Isle of Man will never have a mature democracy unless we have a media that looks beyond the tittle-tattle and the easily explainable. Freedom of the press is a cherished phrase but, in a small nation with a monopoly newspaper group and a near monopoly on radio news, it must entail more than the freedom to maximise readers and listeners. I hope they will take such matters more seriously and properly serve the public of this small Island democracy in future.

Thank you for your time.

**Mr Karran:** Hear, hear.

**The Chairman:** Thank you very much, Mr Rimington, for a most comprehensive presentation, and feel free to have some refreshment.

You have, indeed, presented a fair number of issues and identified a number of avenues of inquiry for the Committee. My own feeling is that, given the time this afternoon and the volume of evidence that you have presented, the Committee will wish to take time to consider the various points you have raised and would wish to call you again to a further session to put specific questions arising out of this presentation and ones which, when we have time to, consider other issues which we may feel you have not covered in this presentation.

Given your availability, Mr Rimington, I would be intending to adjourn this session to the morning of Thursday, 19th July, so that we can resume the consideration of your evidence. At this particular point, unless my colleagues have any specific points they wish to raise at this time, for reasons of clarification, on what we have just heard, more than anything else... Mr Karran.

**Mr Karran:** There was something that was referred to by Mr Sinden, that a recent planning inspector who had been assisting the Strategic Plan preparation was the same Mr Mossop, who later presided over the Braddan Plan. Would you know whether it was the same Mr Mossop?

**Mr Rimington:** I think it would be, yes. There are only a few planning inspectors: there are a limited number of planning inspectors. It would be a remarkable coincidence.

**The Chairman:** Thank you, Mr Karran. (*Interjection by Mr Karran*)

You are fine.

In that case, I would like to thank you for your presentation, Mr Rimington, and the considerable contribution which you have clearly taken a great deal of time and trouble –

**Mr Karran:** Absolutely. Hear, hear.

**The Chairman:** – to prepare. We do thank you for that, (**Mr Karran:** Absolutely.) and we shall consider all the points you have raised very seriously and invite you back, hopefully, on 19th July.

Just for the record, we shall, of course, be calling further witnesses in due course and we will publicise that evidence-taking in the normal manner, when we have arranged a suitable schedule.

At this point, I would like to thank everybody – members of the public and Mr Rimington – for attending, and would now bring a conclusion to these public proceedings. The meeting is now adjourned and the Committee will continue in private.

Thank you very much.

*The Committee adjourned at 3.55 pm*