



**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, 30th August 2007

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

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Tynwald Select Committee on the Affairs of Braddan Parish Commissioners

*The Committee sat in public at 10.30 a.m.
in the Millennium Conference 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 may I welcome everyone to this meeting, which is a sitting of the Select Committee of Tynwald on the Affairs of Braddan Parish Commissioners, to hear evidence in public session.

This Committee was established by Tynwald in January of this year. It may be helpful, for the record, if I set out again our remit, which is:

‘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 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 remit of this Committee restated.

For the purposes of this morning, may I introduce my colleagues on the Committee: on my right, Mr Downie, Member of the Legislative Council; on my left is Mr Karran, Member of the House of Keys; our Clerk, Mr Les Crellin; and Mr Clive Alford, who is the Hansard Editor responsible for recording today’s proceedings – at which point, I would ask, as a matter of housekeeping, everyone to ensure that mobile phones are please switched off to avoid any interference with the recording.

Mr Vannan was called at 10.40 a.m.

Administration of the Oath

The Chairman: We begin this morning’s session with our first witness, and may I ask to step forward to take the chair, Mr Barry Vannan.

Good morning, Mr Vannan.

Mr Vannan: Good morning.

The Chairman: I thank you for attending today. In accordance with the decision of the Committee to swear in witnesses, I will ask our Clerk to invite you to take the solemn oath.

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

Mr Vannan: 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 MR B VANNAN

The Chairman: Thank you, Mr Vannan.

Can we begin, please, by asking you to tell us what position you held in the Department of Local Government and the Environment and for how long.

Mr Vannan: Until May 2001, I was the Director of Planning and Building Control and I had been in that particular position for four or five years, approximately. For part of that, I was the Acting Director.

The Chairman: Thank you, and you retired as Director then in May 2001.

Mr Vannan: That is correct, sir.

The Chairman: From the Department. Would it be the case that, until that time, you were the lead officer in the preparation of the Braddan Plan?

Mr Vannan: No, it would not, I am afraid. I was the Director in overall charge of the Planning Office, but the lead officer was Miss Corlett, who was specifically given that responsibility.

The Chairman: Thank you, and can you, in general terms, outline the role of planning officers in the preparation of this Plan, for which you had responsibility.

Mr Vannan: The role of the planning officer is, of course, to carry out a professional investigation into all aspects which might impact on land use and the long-term policy in the particular area which they were responsible for. That would involve, obviously, research into previous policy, the current plans, current policies, etc, and also, as matters progressed into the preparation of an Issues and Options document, the officer would have liaised with the various authorities and with other statutory bodies in the preparation of the initial document.

Procedural Administration of Oath

Tynwald Select Committee on Braddan Parish Commissioners – Evidence of Mr B Vannan

The Chairman: Thank you. In the preparation of the Braddan Plan by the Planning Officer, Miss Corlett, when would that task have been delegated to her?

Mr Vannan: From memory, and it is approximately 10 years ago, I would suggest that it would be approximately 1997-98, that type of period.

The Chairman: Thank you.

Mr Vannan: Much of that, I am sure, of course, will be on file within the Department.

The Chairman: Yes. Between the delegation of the Plan to Miss Corlett then, in about 1997 or 1998, and the production of the initial draft Issues and Options document in October 1999, what initial work would you expect would have been carried out by Miss Corlett or, in general, by any such case officer?

Mr Vannan: Rather as I mentioned, full consultation with all the interested parties and, of course, one of the key parties would be the local authority – in this case, the Braddan Commissioners – to gauge their feelings, to gain local feedback and to ensure continuity in communication between the Planning Office and the authority and that, as I mentioned previously, in conjunction with all other statutory bodies, statutory undertakings, Departments of Government, etc.

The Chairman: Yes. What level of involvement with the local authority would you expect, in this initial stage, a planning officer to have in respect of preparing the Issues and Options document?

Mr Vannan: I would expect there to be a full consultation and awareness with the board of Commissioners as to how that was progressing and what their own views were, in terms of identifying local problems, local issues, local needs, and identifying those and correlating them with evolving and current planning policy.

The Chairman: Would you expect a series of meetings with the Commissioners in advance of identifying the issues and the options which actually went into the document or would you expect the Issues and Options document to be the first subject of discussion with the Commissioners?

Mr Vannan: I think it would be quite proper for the Commissioners to have a role in the preparation of that document. Otherwise, in fact, one would be coming in rather cold to the Commissioners and I do not think it would be politically – using the word with a small ‘p’ – a good approach to produce a document prepared in-house and then pass it to the authority to discuss; rather to bring the authority along with the evolving document.

The Chairman: As a matter of course, would the planning officer confine such early discussions purely to the planning authority or would there be other parties at that early stage, who should normally be consulted?

Mr Vannan: I think it would be normal for those parties who might have an involvement – I am talking about

statutory authorities and Government authorities – to have an input at that stage and the Commissioners would be seen to representing the people of the parish.

The Chairman: Okay, thank you.

Can I move on to a specific matter which is to do with the matter of potential conflict of interest on the part of Miss Corlett as the Planning Officer for the Braddan Plan. Can you confirm that this was a matter of documented discussion with Miss Corlett?

Mr Vannan: It was and it was quite important that that issue was clarified at an early stage in the proceedings in that, quite clearly, Miss Corlett was a resident in West Baldwin, a central area of Braddan. My concern, at that stage, was that there could be a perception of bias in having a planning officer resident within the parish who would then be responsible for land-use policy and long-term policy, and that that issue should be clarified at an early stage. For that reason, initially, although there was a very heavy workload, I did suggest that I, myself, would take over the preparation of the Plan.

After discussion with Miss Corlett, who was quite clear that she felt she would not be influenced by any others, we agreed that, in fact, the area in which she lived would be the centre of, for the lack of a better term, an exemption zone, within which she would not have any personal involvement, and that area would be one which I would then look after.

The Chairman: When did the matter of potential conflict of interest first come to your attention? Do you remember?

Mr Vannan: Yes, that would be very early on in the proceedings because this stemmed from previous situations whereby a planning officer had been accused of, perhaps, bias or personal involvement in a planning process.

The Chairman: So, the initial concern was the fact that she was a resident in the area in question, speaking generally, as a resident of Braddan. I am not talking about a particular part of the parish, in relation to a particular area of land which she may have lived next door to; but the fact that she was a resident gave rise to this initial discussion about potential conflict of interest.

Mr Vannan: That is right. Purely by being a resident within the parish, that was the first warning flag to come up; then, of course, as the Planning Officer responsible for that particular area, it was a twofold concern, should I say.

The Chairman: We have on file a note that, in a report made by your successor, Mr McCauley, to the Department in 2005, he said that Miss Corlett, the Planning Officer, had raised the possibility that she might have a conflict of interest with the then Director of Planning and Building Control in 1996? Is this the period we are talking about?

Mr Vannan: That sounds about right, the period, yes. Yes, 1996, 1997 is the sort of time.

The Chairman: Before she was appointed.

Mr Vannan: Yes, before we let her undertake the work.

The Chairman: Undertook the work. And the Director had decided that she could continue to be involved, although it was noted that the Chief Executive's view was not sought at the time. Can you confirm that that was a matter purely between you and Miss Corlett, and the Chief Executive was not involved?

Mr Vannan: No. Because, in fact, when we agreed – when Miss Corlett and I agreed – that she would control her duties to outside her particular area, a map was drawn up indicating that boundary and a memo was prepared which was sent to Miss Corlett and copied to the Chief Executive, with the map attached.

The Chairman: When would that have been?

Mr Vannan: It would have to have been by the date of that memo and that I cannot, I am afraid, remember.

The Chairman: Would it have been in, I think we have it, in May 2000? It was sent in the year 2000. (**Mr Vannan:** Yes.) Thank you very much. We have the copy of the memo from Miss Corlett to yourself – July 2000 – and it is in respect of the land immediately adjacent to her home in which it was identified that it would be very difficult for her to carry on in determining the land designation. This is the so-called Area 14 at Mount Rule.

So what we are saying, Mr Vannan, is that early on in the process, 1996-97, it had been flagged up that there might be a potential conflict of interest by virtue of the Planning Officer residing in the district generally. That was not deemed to rule out her involvement so she carried on and, indeed, was appointed in about 1998, carried on making the Issues and Options document, following discussion through 1999.

Is it the case then that it was at that point that the specific concern of her living at Mount Rule adjacent to Area 14 prompted a memo? And can you recall what the outcome at that time was, in respect of responsibility for Area 14?

Mr Vannan: I am sorry, what time are talking about?

The Chairman: About the year 2000, when the memo was sent to yourself about Area 14, what happened? What action was taken as a result of that?

Mr Vannan: I honestly cannot remember. That was getting towards the end of my period in office. I am not sure whether, in fact, there was a response to that.

Mr Downie: To be helpful, Mr Chairman, we have a memo to Sarah Corlett from yourself referring to your memorandum of 21st August, which actually says that you will be taking responsibility for the area around Mount Rule; she is not to get involved.

I can give you a copy of this today and it really out sets out your decision to take responsibility for that area, as part of the Planning Division.

The Chairman: So can you confirm that, as a result of the decision at that time, in respect of Area 14, you took over from Miss Corlett responsibility for the progression of that particular piece of land?

Mr Vannan: In respect of Area 14, yes.

The Chairman: Yes, thank you. From that period until 2000, until you retired from the post, to your knowledge, did Miss Corlett have any direct input into the inclusion of that land or recommendations in respect of Mount Rule, Area 14 in the draft Braddan Plan?

Mr Vannan: I honestly could not answer that factually, sir.

The Chairman: Thank you. You, yourself, had assumed responsibility for that land.

Mr Vannan: That was the intention but, in fact, that never came to fruition.

The Chairman: Right, thank you. Now, Miss Corlett, in her memo, says... (*Interjection by Mr Downie*) This is to Miss Corlett from yourself, I could just quote. This is a memo dated 31st August 2000.

'I refer to your memorandum of 21st August 2000 and the attached extracts from the draft text accompanied by mapping indicating the areas of land under consideration for residential development at Mount Rule.'

Now, what happened after July was that, following the decision that Miss Corlett would not take any part in decision making for Mount Rule, she wrote to you on 21st August submitting a map with various suggestions outlined in green and red for particular land designations.

In your reply, you said:

'In accordance with our previous discussions, it was agreed that you would not participate in the decision making process regarding this area due to your being resident there.'

Can you confirm that?

Mr Vannan: Yes, that seems the logical progression.

The Chairman: You went on to say in the memo that, on this basis, you visited the area on 22nd August 2000 in order to both familiarise yourself with the various sites and to consider them and evaluate them from an independent point of view.

'I have both visited each site without entering and also looked at them from distant aspects. The following sets out my thoughts in relation to each site using a numbering which applies to both the text and the mapping.'

You make reference to Area 13 and, in respect of Area 14, you say:

'An opportunity to provide residential development in another area which merits close consideration of landscape treatment in any development proposal.'

So, can you confirm that – I know it is seven years ago – but, to the best of your recollection, you made such a site visit?

Mr Vannan: Of course, I do recall that site visit and the fact that I did look at those individually as separate and in parallel, should I say, to Miss Corlett, yes.

The Chairman: Thank you. It would appear that the

areas coloured green on the memo and on the map which were sent to you were rejected on professional grounds and the red areas simply referred to as 'should be designated'. Did that give any concern, that the Planning Officer was making suggestions in respect of the area for which you had assumed responsibility?

Mr Vannan: I am not sure it would be suggestions but it would, certainly, be thoughts in relation to what other issues she was examining at the time, in the various areas which she was also looking at. That is what, I suppose, you could call dove-tailing the two approaches.

The Chairman: Right. Now, were you aware of Area 14 being a piece of land which had been in the ownership of the Clerk to Braddan Parish Commissioners having been sold to Heritage Homes in late 1999?

Mr Vannan: No, I was not aware of any land ownership nor, in fact, of any property sales.

The Chairman: So, when you were in post, you had no knowledge of the ownership of that land or the sale of that land?

Mr Vannan: As far as I was concerned and still am concerned, land ownership is not a planning issue. It is actually the suitability of the land for development which was the matter at stake.

The Chairman: Thank you, Mr Vannan. Can I ask my colleagues, Mr Karran, have you any questions for Mr Vannan?

Mr Karran: Before August 1999, Area 14 had previously had three previous planning applications refused, all identifiable to Mr C S Lewin. Would you not agree that, maybe, the ownership is not an issue but the planning on land makes a considerable difference as far as the value of the land is concerned?

Can you explain why the Issues and Options draft by Miss Corlett identified Area 14 for consideration for residential use, residential development, after three previous planning applications had been refused in such a short period after that? What sort of professional basis would that be on?

Mr Vannan: I think it is a question of an Area Plan, because these were options to reconsider all the land use options and, obviously, one takes on board previous planning histories. Also I think it is an opportunity to revisit the whole situation in the context of a total framework – total land use plan – for, in this case, Braddan, and then to re-appraise what has happened before and to come forward conceivably with proposals which had previously been refused.

Mr Karran: But when the likes of Tristar Farm's proposals to the Braddan Plan...mind you, that might be after you have left. I do not think it is. Yes, it is; it is after you have left. But there does not seem to be the same sort of consistency, as far as a liberal approach...

So, you would say the rationale behind that, with the fact that there were three previous planning applications refused in a few years before, is that, because there is a Braddan Plan, everything goes up in the air...

Mr Vannan: Yes, I think that sums it up, yes.

Mr Karran: You say that you would not be aware of who owned Area 14 in August 1999. Would you know whether Miss Corlett knew the ownership of the land? It seems the Minister knew.

Mr Vannan: I have no idea at all, I am afraid. I cannot help you on that one.

Mr Karran: Can you explain why the submission of Derek Lovejoy placed her in a difficult position, as her boss?

Mr Vannan: The submission by Derek Lovejoy... I'm sorry...

Mr Karran: He put a submission in about Area 14 – I have got it somewhere. He put it in, and it said that it put Sarah into a difficult position. Is there a reason for that?

Mr Vannan: I am sorry, you would have to refresh my memory on that particular one.

Mr Downie: If I could just be of assistance there, we have in our possession a memo from you to Sarah Corlett, the Planning Officer, dated 14th July 2000. I will read it:

'I refer to your memorandum of 13th July 2000 regarding the above'

that is the Braddan Area Plan –

'which followed the conversation on this topic. I agree that the submission from Derek Lovejoy Partnership regarding the land immediately adjacent to your home does place you in a difficult position from the point of public perception. As you stated, it would be difficult for others to differentiate between a personal and professional opinion. In the circumstances, I feel that, having declared an interest on this issue, it would be best if you were not to have any involvement in the consideration of future use of land in the immediate vicinity. I would define that land as being an area running from the field in question southwards to the Mount Rule Road and including the properties, Flambards, Mount Rule House, and Close Mooar. To avoid any suggestion that other officers might be prejudiced or biased if they were to take responsibility for this area, I propose that I myself shall do. This will be advised to the Department at a special Department meeting on Monday, 17th July 2000 and, if agreed, I shall then formally advise the Braddan Commissioners.'

I think the question that Mr Karran, my colleague, was trying to find out was who was Lovejoy Partnership working for at that time?

Mr Vannan: Is that the area which is referred to as No. 16?

Mr Downie: No, this would be Area 14. That is opposite where Miss Corlett lives and the fields owned by Mr Lewin and the ones that were sold just prior to the Braddan Plan being worked up.

Mr Vannan: I do not actually remember what the Derek Lovejoy Partnership submission was but, in this case, it was literally not quite directly opposite Miss Corlett's own house but very close by.

Mr Downie: Can you remember who Mr Derek

Lovejoy's Partnership was representing?

Mr Vannan: I do not, I am afraid, no. However, they did put forward a submission to the Inquiry but I cannot remember on whose behalf that was.

Mr Karran: Okay, can I just ask... So you cannot remember what was the difficult position it put your Planning Officer in, by having a submission from Derek Lovejoy. I believe they are the planners of choice for Dandara. I might be wrong on that, but I believe they are.

Mr Vannan: It says a submission by a Partnership, the Derek Lovejoy Partnership, involving land directly opposite Miss Corlett in which she might have an interest as an individual would put her in a difficult position in terms of pursuing or commenting upon any proposals for that area.

Mr Karran: So there was no pecuniary or business links between Derek Lovejoy Partnership and your Planning Officer?

Mr Vannan: There were certainly none that I was aware of.

Mr Karran: You also mentioned in the situation of public perception that there was a concern over the issue over public perception but what about the issue of good governance? Is there not a circular from Government about good governance? I know I am the hereditary opposition and, maybe... but I remember there was a circular on good governance, on the issue of it being right or wrong, rather than just the perception.

Mr Vannan: I think, to me, there are two issues. One is that the law has got to be seen to be carried through and obeyed. That is the first priority. The second was the public perception that that had actually occurred. That would be my view on the two issues.

Mr Karran: Can I just ask: after the July declaration of interest, your Planning Officer still made recommendations, on 21st August of that year, and also I believe did to the Public Inquiry in June 2003? Is that acceptable?

Mr Vannan: By June 2003, the situation had certainly changed because, of course, I had left post and I am not sure what the arrangement was after that time.

Mr Karran: Okay, but is that generally acceptable? You were the boss. You made a decision and staff should take... If we want accountability, really...

Mr Vannan: Yes, in fact, it would be quite proper for Miss Corlett to represent the Department at a Public Inquiry as she did, even although parts of a Plan might not, in fact, be her own original ideas, but issues which had been taken on board.

Mr Karran: Can you explain why Area 14 was... Why these submissions were all kept private and confidential? I know it is a long time ago, sir. Was there a particular reason? Were there any other areas that were private and confidential submissions, can you remember?

Mr Vannan: Generally speaking, the submissions which came into the Department would not be publicised. They would be taken in by the Department, analysed and then the next step would be undertaken.

Mr Karran: But why that particular area? Were there any other areas you know where there were private and confidential submissions from developers, from the local authority? Why did that particular area have to have private and confidential submissions? Have you got any idea, sir?

Mr Vannan: I have no idea on that at all. There may well have been other submissions regarding other areas but I could not advise you as to when or which ones.

Mr Karran: Since retiring, you work for Dandara or did work for them. Was it a long time after retiring?

Mr Vannan: It was about two years afterwards. I did a small commission into land availability Island-wide, yes. That is correct. It was the only work I did carry out for them.

I should emphasise, of course, that, under the code of professional conduct of the Royal Town Planning Institute, one cannot, in fact, while one is in position, get into a situation whereby one might be compromised in the future and after leaving a position of responsibility, one must wait – and the guideline tends to be a year – after which one is assumed to have stepped out of all policy making before one undertakes work in the private sector.

Mr Karran: I do not want you to think there is any slur on that, but I just think... (*Interjection by Mr Vannan*) Are you aware that, in other jurisdictions, they are now putting restrictions on ex-civil servants and planning? So, with the Irish Republic, architects and professional planners come under the same Institutes as the UK or are they separate?

Mr Vannan: They will not come under the Royal Town Planning Institute but the basic code of professional conduct – I am not familiar with the Irish one – but I assume it would be very similar and it is quite clear cut that there is a responsibility after one retires.

Mr Karran: Okay. The McGreal Report conceded that Miss Corlett should not be involved in the Braddan Plan but no action was taken on that.

The Chairman: I am going to have to rule that question out of order, in fairness to Mr Vannan who was not in post when that was published. I would not expect you to have any comment on that, with respect.

Mr Karran: Can you then tell us... There was a first question mark raised in – was it 1996 – about the involvement of Miss Corlett in the Braddan Plan?

Mr Vannan: It was certainly right at the start, round about 1996, yes.

Mr Karran: Was that purely on the basis of a resident in the Parish of Braddan?

Mr Vannan: Being resident in the Parish of Braddan and

perhaps friendships with certain individuals, yes.

The Chairman: Just to follow up on that point, just to confirm. Would it then be true to say that, were it not for the raising by the Derek Lovejoy Partnership, in the year 2000, once the Issues and Options document process was underway, in respect of Area 14, Miss Corlett, notwithstanding the reservations about possible conflict of interest, might have still been the officer responsible for Area 14?

Mr Vannan: Yes, we were undergoing a period of transition, whereby she was beginning to take over the entire Plan – especially since I was on my way out. So, it had to be a logical progression at that stage.

The Chairman: Okay. But having been brought to your attention, there was, as has been illustrated through the exchange of memos in the year 2000, agreement that you would take the lead responsibility for Area 14. Would you then not have expected Miss Corlett, after your retirement, to have carried on or to have resumed responsibility for Area 14? Would you have expected your successor similarly to have taken that particular responsibility?

Mr Vannan: I think it is a matter which, certainly, my successor would have looked at or should have looked at and then decided what course of action to take. That, of course, would be speculation.

The Chairman: Thank you. Mr Downie.

Mr Downie: Right, Mr Vannan, during your period in the Department, there was another similar issue raised which involved the progression of the East Rushen and Arbory Plan where, in fact, that Plan finished up as being the subject of a court matter and the judgment delivered by Deemster Corrin which was very similar to the issue that we are dealing with now. It was called the *Pilling* case.

When you were working up the Braddan Plan, what regard did you have for that particular judgment and what decisions were taken within the Department to make sure that the planning officers could not finish up in a similar situation?

Mr Vannan: That was a very important case, in fact, and it did raise some warning flags. I should say that I personally was involved in that High Court case. It was *Pilling v Sinden*. I did appear and gave evidence and sat through the whole of that court case. That is a case which did, as I say, set the alarm bells ringing and was, in part, caused my initial reaction to Miss Corlett's involvement in the Braddan Plan.

Mr Downie: So, having taken retirement in, I think, 2001, could you advise us today, in your own opinion: were there any issues that led you to believe that Miss Corlett was biased in any way towards any particular development?

Mr Vannan: I could not give any factual answer to that at all. No, I do not have any information in that respect, no.

Mr Downie: Thank you.

The Chairman: Thank you, Mr Downie. Just a final question of a general nature. From your

experience, was the forward planning process in respect of Braddan any different from the other two Plans that were being carried out at that time, which were Castletown and the Laxey and Lonan Plans?

Mr Vannan: Fundamentally, the procedures were the same. Obviously, different officers would set their own mark, in terms of the way in which they approached certain issues, and presentation, preparation and interpretation of policy would normally be continuous and equal with each other. But, in general, I would not see any major difference, apart from the sheer size of the Braddan Parish.

The Chairman: Would Commissioners be expected in the various discussions with the Planning Officer to have sight and to comment on other documentation or other submissions that other parties would have made to the Department?

Mr Vannan: No, certainly, it would be most uncomfortable if they were to have had availability to those documents. All those documents which are received – submissions – are thoughts which must be interrelated, correlated by the Officer and, of course, at a later date, they could well be brought into the public forum. But, certainly not at that stage.

The Chairman: I am quoting from the statement of Mr Rimington, the immediate past Minister, who, in his oral evidence to the Committee, said:

‘Whilst this 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’.

He goes on to say that:

‘the Commissioners were party to the submissions received and were closely involved with the formulation of the three draft documents’ –

that would be the Issues and Options, the draft Plan and the written statement –

‘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.’

Mr Vannan: I cannot comment upon Mr Rimington's understanding, but it would certainly, I think, it would be unfair to give the Commissioners a greater degree of responsibility than normal, and certainly not for them to have such a strong influence, if that is what happened, on the change of land use, designation, etc, in that sort of detail and not to be aware of all of the submissions by others.

The Chairman: When you were Director, with overall responsibility for the working up of these Plans, in the case of Braddan, as far as you were aware, the process was not being taken to extremes, as has been alleged.

Mr Vannan: I would suggest that there was a very strong degree of consultation, which I think is proper. It is a question of degree obviously, but that consultation must be with the board of Commissioners as such and no other persons. It must be a board decision by the Commissioners at each stage.

The Chairman: But compared with other boards at that time, do you have any evidence or knowledge that the process was more extreme in the case of Braddan in terms of consultation?

Mr Vannan: I think Braddan probably was more extreme, because it was certainly a more complex area to deal with, yes. For example, Laxey and Lonan, again, where I declared an interest myself, being a resident – that was one which was generally less contentious in terms of future land use.

The Chairman: But why would Braddan be more complex?

Mr Vannan: The sheer scale and the number of small settlements within the planning area.

The Chairman: And would it also be in relation to strategic interest for the Island such as the incinerator, the hospital? These were issues as well.

Mr Vannan: It was really the size of the parish and its proximity to Douglas and Onchan. It was clearly a focal point for potential expansion, whether it be for individual major facilities or for new residential development.

The Chairman: Thank you very much. Well, that is fine, Mr Vannan. Thank you very much for your attendance. It may be that, on some future occasion, we may wish to ask you to return to give further evidence but, for the time being, thank you very much for your attendance.

Mr Vannan: Thank you.

Mr McCauley was called at 11.15 a.m.

Administration of the Oath

The Chairman: Can I now call forward our next witness, Mr Ian McCauley, please.

Good morning, Mr McCauley. Thank you for attending today and, again, may I ask the Clerk to invite you to take the solemn Oath.

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

Mr McCauley: 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 MR I MCCAULEY

The Chairman: Thank you, Mr McCauley. Can I ask, first of all, what is your position within the Department and when did you take up the post?

Mr McCauley: My position is as Director of Planning and Building Control. I took up the post in July 2001.

The Chairman: July 2001. And do you recall when you first became aware of, or involved in, the Braddan Area Plan?

Mr McCauley: Not to an exact date, no, sir. Obviously on arriving, as a new person in the job, there is a whole host of different things that you have to pick up. There were a number of Area Plans in course of preparation. Within the first week that I arrived, the draft Strategic Plan was published for public consultation.

So, during the course of the first few months, obviously there was quite a lot of documentation to take on board and, at some stage, during those months, I would have started reading all the background papers.

The Chairman: Yes, thank you very much. You are well aware, of course, that post-Inquiry, the Plan was withdrawn by the Minister, Mr Rimington. Can I ask have you had an opportunity to consider his oral evidence to this Committee that he gave in July of this year?

Mr McCauley: I have had an opportunity to look at the statement of case that he submitted, yes; but I have not read the *Hansard* record of any discussion or questions.

The Chairman: Yes. The statement of case formed 95 per cent of the *Hansard* record. There are a few items which I would like to take in regard to that statement, which I would like you to comment upon in due course. But if I could just quote from that statement of case, as given to the Committee, and ask for your general comments.

He said that – I am quoting from him –

'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.'

He similarly said that without further substantiation, the validity of the Plan was undermined by the existence of a double perception of bias against the two public officials most intimately involved in the formulation and progression of the Plan, the first perception of bias being against the Planning Officer and the second, being the more serious as he said, arising from the Clerk's actions.

Can I just ask you to comment generally on that statement by the Minister?

Mr McCauley: Certainly, obviously it became a concern to the Department in terms of the complaints that were submitted after the Inquiry into the Area Plan. As matters evolved and as comments were made and evidence was submitted, the picture developed which was not a picture that the Department understood, at the time that the Plan was promoted. Having taken those factors into account, the Minister took the view that it was not safe to proceed with the Plan, particularly with regard to the matters which are now the subject of this Select Committee.

The Chairman: Yes. You, in respect of the allegations of bias within the Department, had been asked to investigate these, I think, during the course of 2005.

Mr McCauley: I was, yes, sir.

The Chairman: And Mr Rimington made comment

about the report that you gave which said that this interim report listed, as appendices, a limited range of documents in relation to a perception of bias and development of proposals for Area 14. There was no analysis or conclusion. He said, in short, the full investigation requested had not taken place.

He went on to say that, in hindsight, it was inappropriate to ask you, as Director, to investigate the conduct of officers with whom you had a close day-to-day working relationship and how were you expected to investigate a plan process which you had taken ownership of rather belatedly?

Would those be fair comments in relation to the investigation that you carried out?

Mr McCauley: That is the conclusion that the then Minister arrived at. From my point of view, I was asked to undertake an investigation of how things had developed prior to my time of arrival and then subsequently. Obviously, my ownership derives from taking on the process from July 2001 onwards.

What happened before my arrival, obviously all I could do was document and the partial report that I did was basically a review of what I could discover was on the file. I did not undertake an investigation of the matters which subsequently came to light. I think there is a difficulty in terms of the statement that Mr Rimington has made in terms of, over time, what became apparent and, over time, correspondence was being received and complaints were being made, not all of which I was aware of, and particularly with regard to matters to do with Braddan Commissioners. I was not aware of those matters.

I was aware of complaints that had been made about perception of bias and actual bias against the Planning Officer but, from my point of view, I had no difficulty in doing the job that I was asked to do, apart from the fact that, as the Minister has pointed out, there were a lot of other things happening at the time, and I could not devote a lot of time and attention to it. Perhaps it would have been better if somebody else had been asked to undertake that element of it.

From my point of view, I merely recorded what evidence I could find from the files to demonstrate what had happened because the then Members of the Department obviously were different from the Members of the Department that had considered the matter and were aware of it back in 2000 and 2001.

The Chairman: And the decision of the Department latterly, having had the complaint against the Planning Officer investigated by Mr McGreal, was that notwithstanding the conclusion that there was a perception of bias, this did not render the planning process unsafe. That was the conclusion of the Department. Can you confirm that?

Mr McCauley: In terms of the investigation by Mr McGreal, then obviously he felt that the Department, back in 2000, had not dealt with the issue of conflict of interest well enough. I think he accepted the fact that, obviously, it had taken into account the fact that the Planning Officer lived in the area and took a view about how that was dealt with. Clearly again, he is looking back at the way things were dealt with in 2000.

He then goes on to make further comment about whether or not it is acceptable for the Planning Officer to be involved and what sort of perception of interest people might have of the Planning Officer living in the parish which they are preparing the Plan for.

The Chairman: Just focusing on your understanding of the concerns regarding the Planning Officer at that time and what was subsequently done, were you aware of the decision of your predecessor to take responsibility for consideration of the inclusion in the Plan of the land at Mount Rule known as Area 14?

Mr McCauley: I was aware of that, yes.

The Chairman: And did you assume that particular responsibility when you took office?

Mr McCauley: No, because I think we are talking about a Plan that is evolving and the status that is given to the Plan as it evolves through the process. I have to be honest and say I cannot recall the exact date when I became aware of this issue. Clearly, it became an issue at the Public Inquiry into the Braddan Plan, but I really cannot remember when it was first raised. I have now read all the documentation.

The situation was that the Plan had been published as a draft Plan by the Department; was, as such, the Department's indication of policy in relationship to planning, to the area; and from then onwards, it was a public debate as to the suitability of those proposals and you had parties arguing both ways about similar sites.

So, from that point of view, that was the Plan that had been adopted by the Department. It was then going to be tested at a public inquiry. The Department was then going to consider the Inspector's Report, and what the Inspector concluded, and then the Department would decide, on the basis of that open inquiry process, how to proceed with the Plan. We never got to that point, although the Department, in a number of guises... sorry, I will rephrase that.

As the membership of the Department changed over the years, then the Inspector's Report was considered on a number of occasions by the Department with different Ministers, as there was a change of Minister. So, the Inspector's Report was considered a number of times, but the Department's final conclusions on the Inspector's Report were never published.

The Chairman: Before I bring Mr Downie in, are you saying that, notwithstanding how particular land designations were arrived at in the draft Plan and from whom, the decisions were yet to be, for their inclusion, made by the Department and yet to be tested by the Inspector at Public Inquiry? So, to that extent, it was immaterial how land – Area 14, for example – got designated in the draft Plan.

Mr McCauley: In terms of preparing a Plan, yes. The Plan sets out proposals for development and all parties have an opportunity to argue those. Clearly the Department has to decide whether or not, in its opinion, any particular designation is appropriate and put it forward, and also other parties put forward other proposals, which are not included in the draft Plan, and they get tested as well.

So, from that point of view, at that stage in the process, it was a draft Plan and, from the planning point of view, in terms of preparing a Plan, those proposals were yet to be tested. Therefore, the exact route by which they ended up being a proposal I would not quite say was immaterial, but they were there as proposals that had evolved through various stages of consultation, discussion and representations.

The Chairman: Were you the lead advocate for the

Department at the Public Inquiry?

Mr McCauley: I was, yes.

The Chairman: And was the Planning Officer, Miss Corlett, also at that Inquiry?

Mr McCauley: She was, yes. She was the principal witness. There were other witnesses from other Government Departments but, in terms of the planning cases that were put forward, they had been prepared in consultation with myself. I had had an input to those. Miss Corlett was there giving the evidence and responding to questions that were raised either by the Inspector or the parties. She took the cross-examination.

The Chairman: And in respect of Area 14 at the Inquiry, would you have expected Miss Corlett to comment on behalf of the Department on the Plan and what the recommendations were?

Mr McCauley: It was an unusual circumstance, I have to admit, but yes, I would, if that issue had come up because, by that stage, the proposal was a proposal of the Department and had been accepted as such, in the same way as Miss Corlett, if dealing with a planning application at a hearing, would put forward the case on behalf of the Planning Committee. She was there putting forward the case on behalf of the Department, not as an individual.

The Chairman: In a professional capacity?

Mr McCauley: In a professional capacity, yes.

The Chairman: Thank you, Mr McCauley. Mr Downie.

Mr Downie: Just want to clarify before we go on to the main part of the questions, I would be right in saying then that Miss Corlett, in all of this, was not the decision maker. Somebody else made the decision.

Mr McCauley: The decisions were made by the Department. The Plan is produced and then published on behalf of the Department.

Mr Downie: That is the politicians sitting with the Minister as the Department.

Mr McCauley: That is correct, yes.

Mr Downie: Right. Now then, Mr McCauley, you joined the Department, I think, as the Director of Planning in July 2001.

Mr McCauley: Yes, sir.

Mr Downie: Right. What I would like to get a better understanding on is when you joined the Department, did at any time you meet with the Chief Executive? Were you briefed about the Braddan Plan and the storm clouds gathering, as it were, and the declaration of interest?

We have heard Mr Vannan's evidence before that he took responsibility for the area around Mount Rule and Area

14. Was any indication given to you that this needed to be dealt with in a certain way and were you fully aware of the allegations of bias or whatever? And when were you made aware of all this?

Mr McCauley: To use your expression, I was not aware of any storm clouds. The simple fact was that the first I became aware that any party had put forward a suggestion of perception of bias was actually at the Public Inquiry in 2003.

Mr Downie: Right.

Mr McCauley: The Plan itself was going through its process. It had been published in April 2001. Therefore, people were given an opportunity to comment on it. There were various reports that went to the Department that went into the comments that had been received, and we were gradually moving towards the Public Inquiry, because that was the next stage in the preparation of the Plan.

The draft Plan had been published. That was April 2001 and, as I say, until just before the Inquiry, and in one case, on the day of the Inquiry, that was the first that I had actually heard that anybody said that there was a potential perception of bias.

That is the reason why I say that I cannot give you a date when I became aware about the mechanism by which the previous Director had arranged for Miss Corlett not to take part in the proposals. As far as I was concerned when I arrived, there was a draft Plan, there were all the Department's proposals, it was out for consultation, it would get comments back from people, and then we would take it forward to the Local Plan.

Mr Downie: What you are saying is that, from the initial Issues and Options, you had moved on.

Mr McCauley: Yes. Well, at April 2001, that is when the Plan was published.

Mr Downie: Right. Obviously, things did start to go wrong and the storm clouds did accumulate in a few storms. You were asked to investigate all of these issues and the issues regarding the Planning Officer in 2005. The Minister, in his submission to us, says that he felt disappointed that no conclusion was reached. The thing was not properly progressed, in his words. Have you any comment to make about that?

Mr McCauley: Well, at that stage, I did not feel that I was being asked to undertake an investigation that would come to a conclusion. I thought I was being asked to assemble what information was available, in terms of the preparation of the Plan and the involvement of the Commissioners. The draft report that I produced for him – which was a draft – was never taken any further because I was not asked to take it any further.

Mr Downie: Now, did you ever feel that the Minister did not have confidence in the staff within the Department or the Division?

Mr McCauley: No, I did not get that impression at all. But, obviously, what you are talking about is a situation that

was evolving and the Minister was getting correspondence from parties and was getting information that clearly made him more and more concerned about the background to the preparation of the Plan, but, clearly, obviously focusing mainly on that particular site and those issues.

Mr Downie: When the Minister undertook to investigate this issue himself, are you aware where he got any advice about planning matters from?

Mr McCauley: No, he did not discuss it with me.

Mr Downie: So, he took it on himself to investigate these matters. You are aware of that?

Mr McCauley: I am from his statement, yes, and I have a concern about a number of statements that he has made in his statement.

Mr Downie: Right. Would you like to reiterate some of the concerns for us today?

The Chairman: Well, I had intended taking you through the statement, as I indicated.

Mr Downie: Well that is fine, Mr Chairman, if you want to do that.

The Chairman: I think this actually might be the opportunity –

Mr Downie: A good time to do it.

The Chairman: – to do that. I asked you to comment on a couple of the general points about the unsafeness of the Braddan Plan alleged by Mr Rimington. It might be more efficient, if you could direct us to your areas of concern and we will see if they coincide with any of ours?

Mr McCauley: Certainly on page 4, the role of the Commissioners in the Plan process. Certainly, Braddan Commissioners had a very direct involvement in –

The Chairman: This is where Mr Rimington says, as I have previously referred to, that the practice was taken to the extreme in the case of the Braddan Plan.

Mr McCauley: Well, I am not quite sure what he means that the practice was taken to extreme but –

The Chairman: What is your understanding then of what happened and how it compared with Laxey, Castletown and other then current parallel Local Plans?

Mr McCauley: Well, certainly in terms of the... I cannot talk about prior to my arrival, but certainly the Commissioners had a very strong interest in the preparation of the Plan and got engaged – if I use the expression engaged – more with the Department about the preparation of the Plan than other commissioners did.

A lot of commissioners are quite happy to comment at the stage when they are given something to comment on. It was very clear from the outset and certainly going back and reading through the documentation that Braddan

Commissioners saw this very much as being not just a Plan by the Department, but a Plan by the Commissioners and they wanted to know what their constituents felt about various things.

They went to steps much greater than other parties or other commissioners to actually find out the views. They commissioned a leaflet – I am not sure if anybody has referred that to you – that was sent to every household; that is not usual practice. I do not see anything wrong with it in terms of practice, but it is not usual practice with other commissioners.

I think how the commissioners decide to engage in the process actually is a matter for them and it is then a matter for the Department to take a view on the comments made by the commissioners, but also on the comments made by other interested parties and landowners.

So although there are various references in the Department reports to disagreements between the Department and Miss Corlett and the Commissioners over various aspects of the Plan itself, so there was a long dialogue with the Commissioners.

The Chairman: Did you conclude from that that Braddan Commissioners were seeking to take ownership of the Plan, as opposed to the Department?

Mr McCauley: I got the feeling that Braddan Commissioners would like to have taken ownership of the Plan, but they are not the plan-making authority, the Department is and the Department has to take into account the representations made by all parties.

The Chairman: The evidence that we have heard about the Commissioners being party to submissions received and being closely involved with the formulation of what were confidential draft documents: what comment do you have on that, as to whether that was usual, or what do you conclude from that?

Mr McCauley: I have to say that is the one area where I have the greatest difficulty, but it is clear, from my point of view, that a previous Minister had directed that comments on initial drafts and comments received prior to the Public Inquiry stage were dealt with by the Department as a matter of confidentiality, and it is not just that particular site.

I know this because I had to research it for one of the replies that I sent to somebody who was complaining about the Plan process. It is very clear that a previous Minister did state that those matters were considered confidential until we got to the point where we published the Plan to go to Inquiry and obviously at that point everybody made representations.

In my experience elsewhere, that would not be the case. Certainly on draft plans and any preliminary publicity, comments received would be taken as matter of public record and they would be available to anybody to look at, and that is the process that we follow now.

The Chairman: So that would be the norm?

Mr McCauley: It was not the norm in the Island at the time. I think I have got to make that point very clearly, it was not the norm.

The Chairman: Is it the norm now?

Mr McCauley: It is the norm now. We will still have this situation, if anybody wants to look back at earlier stages of Plan preparation, then some of that material would still be considered to be confidential because it was said to be confidential at the time. But what I would say is that, starting on a Plan from now on, any Plan that is produced should be produced on the principle that all matters that are submitted to the Department are publicly available, they are a matter of public record.

The Chairman: So in the early years of this Plan, if submissions were given to the Commissioners in confidence on the proviso that it was confidential and to be treated as such and confined to discussion between the Planning Officer and the Commissioners, would that – while that was not the norm at that time – be seen by you as a helpful facilitating process in accordance with today’s norms or as a breach of confidence towards those who had given that evidence to the Department?

Mr McCauley: In terms of discussing representations from other parties with the Commissioners, then I think the rules should be the same for either party: either that matters are confidential, in which case what the Commissioners say is confidential and what party X says is confidential. I do not think there should be one that says everything is confidential between the parties other than the Commissioners, and certainly that would not be the case today.

The Chairman: Even if the Commissioners gave an undertaking to treat that discussion in confidence, it was too uneven and one-sided?

Mr McCauley: Yes, and my understanding of the way that it was explained at the time – and I have seen it in writing and I have discussed it, because I had a couple of meetings with the Commissioners in the run up to the Public Inquiry and the production of the draft Plan – was that the Commissioners in particular were concerned to know the views of their residents before they decided what their view was. I am sorry, I think in practice from now on, Commissioners are going to have to make up their own mind what their views are and then see what their constituents think, not to be privy to them prior to anybody else.

The Chairman: So Mr Rimington was essentially correct in that part of his statement, where he had concerns about the involvement of the Commissioners?

Mr McCauley: That particular element of it, yes. Whether or not it is extreme, I am not sure I would take it to extreme, because we are talking about the early process of Plan preparation and if it was not for this issue about an interest in land, then I think that sort of dialogue with Commissioners is, to an extent, understandable, but is probably better not done, with the benefit of hindsight. But when you add to that an issue that there may be a conflict of interest because of a land interest, then clearly it should not have been done.

The Chairman: And were you aware of it being done as a result only of Mr Rimington’s submission to this or were you aware earlier than that?

Mr McCauley: Sorry, what... ?

The Chairman: Were you aware of the nature of the discussions between the Planning Officer and the Commissioners over what were confidential matters, only when you read about it from Mr Rimington’s evidence to us or were you aware as Director previously?

Mr McCauley: I was aware of the fact that the representations that had been received were discussed with the Commissioners. As I have said, personally I do not think that they should have been classified as confidential at the outset, but unfortunately they were and there was a clear instruction to that effect. So, I was aware that they were made aware of that, but those are representations as to content of the Plan, the way in which it is being expressed, there were things like the timescale of the Plan before we get down to site-specific proposals.

Clearly, anybody who has been a member of commissioners will know that commissioners will take views about particular sites and obviously some sites they supported, some sites they did not and Braddan Commissioners made representations at the Inquiry that did not support all the sites and wanted other sites including, so I think you have got to... Taking it in the round, I would say that it is understandable and probably acceptable to have that level of discussion with the Commissioners, but I think it is much better if you start from the standing point which is that everybody’s comments are treated equally.

The Chairman: Okay. Moving on – and I appreciate colleagues want to come in, we can revert to this – but just moving on through the statement and the areas you wish to flag up to us.

Mr McCauley: On the same page, obviously I come back to the point that, at the end of the day, the Department is the decision maker in this particular role, and it is the paragraph just above the heading ‘Residential land’. I do not think, in my opinion, at the stages that I was involved in, that it was primarily a mechanism for authorising the combined views of the Commissioners and the planning officers. The Department was there to consider all the issues that were put in front of them, they had full reports, they had reports on the documents themselves, they had the documents in front of them themselves, they were the decision maker.

The Chairman: So just to be clear, where Mr Rimington said to us:

‘The Planning Office and the Commissioners were intertwined as one and the political role of the Department as decision maker became primarily a mechanism for authorising the combined views of the Commissioners and the Planning Officer. There was not an appropriate level of detachment.’

You do not agree with that statement?

Mr McCauley: I do not, no.

The Chairman: Thank you. Thank you, Mr McCauley, moving on.

Mr Downie: Can I just ask through you, Mr Chairman... Did the Minister attend any of the meetings with the Planning Group and the Commissioners?

Mr McCauley: Well, certainly most of the... Not that

I am aware of. Whether or not previous Ministers were involved in any discussions I am certainly not aware of.

Mr Downie: It just clears that point up, sir.

Mr McCauley: Obviously Mr Rimington was not the Minister at the time that the Public Inquiry was held and the draft Plan was published, so from that point of view he would not have had any involvement.

The Chairman: Were you aware whether Mrs Crowe, his predecessor had any meetings with the Commissioners?

Mr McCauley: Well, I know Mrs Crowe had lots of meetings with Commissioners and I am not always aware of everything that she discussed with them. She had a broad agenda with any of the Commissioners that she was meeting.

The Chairman: Thank you, Mr McCauley. Okay.

Mr McCauley: The other point was on page 5 which talks about the imbalance in the provision of development land. It is the second paragraph down. It says:

'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.'

I come back to the point made by Mr Vannan earlier this morning that actually the planning process should ignore land ownership. Land ownership can change while I am talking to you and we would have no control over it. We have had various people who have said that they have got options on land that is the subject of proposals in the Plan and it certainly is not a role of the planning process to try and ensure that there is an equitable distribution of development value amongst the various landowners that are involved.

Mr Karran: But would you not agree – you are the professionals – you have a situation that has three previous planning applications refused on the land at Area 14, then all of a sudden it changes. You are the professionals, you have the Area 7 – is it behind the Strang Stores? – that suddenly changes its criteria, if that is not a high area, a significant area for being seen from every vantage points, I do not know.

What concerns me is you make these statements and obviously you are trained, as far as this is concerned, but the man in the street finds it a little bit strange that you decide you want planning permission on top of a hill basically, when the bottom of a hill you want to keep not zoned and that is the sort of thing that concerns us as lay people, as representatives of the people. You are attacking the previous Minister, you are defending yourself but the point is when, as a lay person, you look at the likes of some of the proposals, they were bizarre.

Mr McCauley: Well, I would not necessarily accept that they were bizarre. What I would say is that the process was never completed. If anybody had any doubts about what was being proposed in the Plan... Well, actually I find it difficult that anybody would have any doubts about what was proposed in the Plan. It is in the document, it is on a map, you can walk up the road and look at it. You have an

opportunity to comment on it at the draft Plan stage. If you are not happy with the proposal you have an opportunity to take it to a public inquiry, you have an opportunity to argue it in front of an independent person who then reports to the Department and then the Department decides whether or not to accept the recommendation of the independent person. That is the process you should be going through, not –

Mr Downie: It has to go to Tynwald after that.

Mr McCauley: And I have not even got to that point yet, Mr Downie, quite right too, that it has got to be approved by Tynwald. So the process was never completed and, yes, you will always have a disagreement about sites.

Mr Karran: Things that are on the top of a hill are on the top of a hill. You know what I mean?

Mr McCauley: Yes.

Mr Karran: Be fair – you cannot argue that point.

Mr McCauley: You look at it from the point of view of the context that you are developing the Plan in and if you were developing a Plan that said we need to find land for 2,000 houses, then you look at sites differently from a Plan that says we need to find 100 houses. So because of the context, you look at things in a different way.

Coming back to the point about Area 14, the reason it was suggested was, as I understand it, that because there had been previous applications there had been proposals. Somebody had suggested it for development and, therefore, quite rightly you put in the sites that people have suggested for development. It is then a question as to whether or not in the context of what you are looking at, you decide to suggest that that may now be appropriate if you change the context and the context is that you have moved on from the Braddan Plan of 1991. The Plan was now looking to provide 900 houses and therefore, you look at a range of sites and test those and as I say, the process was never finished.

Anybody that has bothered to read the Inspector's Report will know that the Inspector recommended that Area 14 should not be included in the Plan, but we never actually got to that point because the Department never made a final decision. So the process does work, you can see what the Inspector thought about Area 7, you can see what the Inspector thought about the other areas. So I think the process does work when it is allowed to get through to its conclusion.

The Chairman: So just coming back to the part of Mr Rimington's statement where he says that the above imbalance in the provision of development land should in itself instigate a review of the Braddan Plan process in order to satisfy the Department and the public that the allocations result from an unbiased and professional process, you do not agree with that on the basis that the imbalance that he is referring to is based on land ownership. Is that correct?

Mr McCauley: That is the part that I have a problem with, yes, because it talks about imbalance in the provision of development land and that can only be referring to ownership.

The Chairman: You see before he made that statement,

he set out an audit of the breakdown of the 900 additional dwellings identified for the Inspector to look at designated by the areas and those areas he identified who owned them as well and in respect of that, he said the notable exclusions were Areas 1 to 4 Camlork, Area 27, the remainder of Area 10, the latter two parcels being owned by Kirby Estates.

You saw nothing in that breakdown of land identified for housing by area that leads you to conclude that it would be imbalanced?

Mr McCauley: No. I can accept... no sorry, start again. I do not see any imbalance in terms of the provision of housing in Braddan based on those sites. I can only assume that the Minister is talking about an imbalance in terms of land ownership. If he is not, then I do not understand what he is actually talking about in that section.

The Chairman: But the whole basis of his argument is that there was an unnatural bias somewhere in the Department, such as to cause certain areas to be preferred in preference to others as to render the Plan unsafe.

Mr McCauley: Well, that is assuming that there is a bias and I think that is a very large assumption. That is Mr Rimington's judgement, having done his own assessment of the Plan. That was not the assessment made by his predecessors as Ministers, of which I think there were two, because the proposals have altered little. There have been changes but they are not substantial changes.

The majority of proposals that were in the draft Plan were in the Plan that went to Inquiry, so from that point of view, I do not see that, other than him saying that there is a bias that he has actually demonstrated that there is a bias other than if he is talking about land ownership.

The Chairman: But as he went on to argue and he did so in quite detail in respect of the planning merits of particular areas – we will come on to that in a moment, we are not going to rerun the Braddan Draft Plan here – but nonetheless, he formed his views on particular areas during which he illustrated inconsistency of approach both by the Commissioners and the Planning Officers resulting in how they were designated.

Mr McCauley: That is on the basis of his own individual assessment and as Mr Karran has just quite rightly pointed out, we can all make our own individual assessment. All I can do is say that the officers went through a process of identifying sites, explained the rationale behind those. Where they were tested at the Inquiry, the case was set out on behalf of the Department, either using the words that were used in the Plan itself or supplementary evidence that was given to explain the rationale behind it.

Mr Rimington has taken a different view about different sites. I have no problem with Mr Rimington taking a different view about different sites.

The Chairman: But he goes beyond expressing a different view, he says that his Department's evidence to the Inquiry was a polemic against the Camlork land. He says that on page 6 and a blinkered support for Area 7.

Mr McCauley: I have not got to page 6 yet, I was still on page 5. So from that point of view, there are other sites

as well that he feels quite strongly should not have been included in the Plan.

The Chairman: Well, you take us through what he has to say, if you would then.

Mr McCauley: In particular, obviously there have been the comments about Area 7 and as I say, the Department's rationale for doing it was set out in the Plan and was tested at the Inquiry. All I would invite the Select Committee to do is to look at the Inspector's recommendations because nobody is talking about what the Inspector said in respect of the Inquiry, and he is a person who was appointed specifically to look at the arguments put forward by both sides.

I would also invite the Select Committee to do the same in terms of the Camlork land because, again, no decision was made by the Department in respect of what the Inspector said about the Camlork land.

The Chairman: Which was to use it as a strategic reserve –

Mr McCauley: Yes, yes.

The Chairman: – which was a novel concept, I understand, to the Department having land that is not zoned, but could be used in the event that other pieces of land were used up.

Mr McCauley: Used up or not brought forward for development. That was the point that he was making, it is a mechanism that is used elsewhere. You have got to look at the context I think and it also comes back to a point that Mr Karran made. In the Island, because plans are approved by the Department and finally approved by Tynwald, a large emphasis, a very great emphasis, is based on zoning and as a consequence, if land is not zoned for development, it is probably the prime reason for refusing it. That land might actually be suitable for development, but at the moment is not zoned for development and is refused.

So the Plan process is the opportunity to look at whether or not sites might be suitable for development and test it against the criteria that you set out and the options that you are looking at and the options can be as wide as putting all of the development into one area, concentrating it around one village, spreading it around the whole of the area or a combination of the two. There are probably more options than that, but that is part of the Plan-making process.

So the inspectors looked at all of those sites and reached his conclusion as well. I am sorry I have just lost the final point that I wanted to make in that. It will probably come up again when you ask me your next question.

The Chairman: I am sorry to have interrupted your train of thought. Okay, that was Area 7.

Mr McCauley: Sorry, I have remembered now, particularly on page 6 because again there is a reference to Area 25 which Mr Rimington has reached his own conclusion, he does not think is appropriate. Previous Departments did, they accepted the comment that was made and again would direct you... sorry, Area 25 is first referred to in the second paragraph on page 6, but I would refer you to the Inspector's Report. Again, Mr Rimington has come to his

own assessment as to the suitability of particular sites and as with Mr Karran, I think he is perfectly entitled to come to his own conclusion, but I do not think because he has concluded that a site is not suitable for development, that means that the process that has been gone through is biased.

Mr Karran: Could you just identify where is Area 25? Is that the one by the incinerator?

Mr McCauley: No, Area 25 is what is referred to as the Drinkwater land, it is the area of land behind Braddan School.

The Chairman: And he is saying that it was strongly supported by the Commissioners and the Department from the outset, despite being on high land –

Mr McCauley: Yes.

The Chairman: – which were objections raised by the Department for the zoning of the Camlork land, Mr Rimington says.

Mr McCauley: Yes, I think it is the difficulty between making the judgement on those and the actual impact obviously is where you do come down to a large extent to making your own assessment about landscape impact. It was very well put in the Inspector's Report on one particular site, where he said he has been given lots of photographs in evidence and in evidence being told that the photographs say diametrically opposed things. One party is saying that it means that this is an area which, if developed, will be very visually intrusive and another party telling you it is not, so landscape impact and visual impact is very much a matter for the individual.

The Chairman: Would you like to carry on?

Mr McCauley: I think, as I say, it is generally that Mr Rimington has gone on and made his own assessments of the individual sites and if the Inspector's Report had been brought back to him as Minister, then you may have seen the Department changing its view on particular sites. Having said that, he would have to take into account that sites that had been proposed by his predecessors had been through a Public Inquiry and would have to decide whether or not, on balance, to support their inclusion in the Plan. Obviously now he can make his own assessment.

The Chairman: So the likes of Area 14, for example, which was designated for residential by whatever process originally and by whatever motivation on the part of the Department, of the planning officers, of the Commissioners, the fact remains that having been tested at Inquiry before the Inspector, the recommendation was to remove it –

Mr McCauley: Yes.

The Chairman: – and that recommendation would then have gone to the Department for acceptance or not.

Mr McCauley: For acceptance or not.

The Chairman: Yes. Sorry, I do not want to cut your

flow, were you going to make further reference to Mr Rimington?

Mr McCauley: No, I think the principal one was around this question of land ownership which we started on and the others, as I say, are personal opinions expressed by Mr Rimington, which he is perfectly entitled to have, but at the end of the day, the Department previously had promoted those sites for development and explained their rationale.

The Chairman: What do you have to say about other areas of 'remarkable coincidence', as he puts it? Areas of concern firstly being industrial land to the south of Cooil Road, that is on page 10, then on page 11, the late addition of land for waste treatment round the incinerator facility.

Mr McCauley: Well, as I say, they are based on the... The Cooil Road land obviously was a proposal in the Plan from very early days. At the Inquiry, the issue... there were some objections to the inclusion of that. Probably a larger, a bigger issue in terms of the Inquiry was the proposal by others to release an even larger area of land.

I am not sure in particular if there is a reference that you wanted to point me to?

The Chairman: Well, he is talking about options to purchase by the Dandara Group and changes of heart by the Commissioners regarding the proposed designation of that land.

Mr McCauley: As I say, I think that comes back to the point where it is very important from the Department's point of view that it should not be swayed by what may be an option at one stage for somebody to do something. It needs to look at what it considers to be the planning merits of the site and either they have planning merits, irrespective of ownership or they do not. If anybody feels that their proposals which have not been supported have not been explained adequately, then they have an opportunity to raise those concerns and make those points to an Inspector.

I think there is a danger of... If he is trying to assume that the Commissioners were swayed by options, then I think that is a matter that you will have to take up with the Commissioners and he would need to take up with them.

The Chairman: Yes, that is fine. You have no view in his conclusion on that and that final so-called remarkable coincidence about the inclusion of a golf course on land at Middle Farm, as evidence that the Commissioners are leading the way with proposals which ultimately benefit Dandara Group. That is his opinion. Do you have any view on that?

Mr McCauley: No, I would not like to express an opinion as to what was in the minds of the Commissioners.

The Chairman: Thank you very much. It has been suggested to us or it has been suggested certainly in documentation that we have seen that the independent Inspector, Mr Mossop, engaged to consider the Braddan Plan was also separately engaged over the draft Strategic Plan and that there is something improper or untoward in this. Can you comment on that?

Mr McCauley: Yes, in my opinion there is not. Mr

Mossop was engaged to do two different things. One he was engaged before I arrived in the period when the former Director was not available to assist the planning team in promoting the draft Strategic Plan. He was appointed to give a critical review of the way in which the Plan was being prepared.

I would stress of course that I am sure the members of the Select Committee are aware, but the Strategic Plan is not a site-specific document. He was there to give advice to the Department and certainly prior to my arrival, I came over for one meeting of the Department to discuss the draft Plan and subsequently a meeting of the Department where Mr Mossop was there and was advising on the process of preparing that Plan.

I see there being a very clear distinction between the advice he was giving to the Department on that and his role as an independent person looking into an Area Plan. Mr Mossop – I have to say was, because Mr Mossop died earlier in the month, tragically – was a very well-respected senior Inspector in the UK before he came to do any work on the Island and he would certainly be the first person to consider whether or not there was any conflict in him doing any matter. He had dealt with – you will be aware, sir – the Laxey and Lonan Plan Inquiry.

The Chairman: He did indeed. One of the parties has publicly claimed that this was in respect of Tynwald's decision of the draft Strategic Plan and I am just quoting what this party says about Mr Rimington's evidence.

'Mr Rimington's evidence has revealed that the independent planning inspector considering the draft Braddan Parish Plan, Mr Mossop, was also employed by the Department to advise on and draft the Strategic Plan and work with Miss Sarah Corlett, the Director of Planning in this regard. Mr Mossop, Miss Corlett and the Director of Planning, therefore, had a direct influence in shaping the Strategic Plan. At no time in the draft Braddan Parish Plan process was this working relationship disclosed and there is concern that the shaping of the draft of the Strategic Plan in drafting must naturally have been influenced by the draft Braddan Parish Plan and vice versa as inevitably the two development plans being progressed to all intents and purposes by the same people must logically have intertwined.'

What comment do you have about that?

Mr McCauley: Well, I think that is a fundamental misunderstanding of the difference between the process of preparing the Strategic Plan and preparing an Area Plan and is also factually incorrect because I certainly did not work with Mr Mossop in terms of preparing the Plan. You may accuse me of hair splitting but I did not work with Mr Mossop. I have been at meetings where Mr Mossop was giving advice and certainly if you ask the staff that actually collectively prepared the draft Strategic Plan of 2001, it was prepared collectively by a number of members of staff under the direction of Brian Sinden.

I had no involvement, other than commenting very late in the day after I had been appointed, but before I took up my post I commented on the Plan. I certainly did not have any discussions with Mr Mossop about the preparation of the Plan. Miss Corlett was a member of the team that was producing the Strategic Plan and there were four, five possibly six members of staff that were actually involved in that.

The Chairman: So you do not accept that there was

a serious conflict of interest that is being claimed by the involvement of yourself and Mr Mossop in particular capacities (a) with the Braddan and (b) with the Strategic Plan?

Mr McCauley: No. I do not see a conflict of interest there at all.

The Chairman: Thank you very much. Can I ask my colleagues if they have any further questions, please?

Mr Downie: No, if Mr Karran can take... I have just one or two notes here I want to go back through.

The Chairman: Mr Karran.

Mr Karran: Yes. We were told that your Planning Officer was not to get involved with the Braddan Plan, but these submissions to do with the Braddan Plan, the Braddan Plan Public Inquiry, June 2003, were these submissions done... who were they done by? Were they done by Miss Corlett?

Mr McCauley: Some were done by Miss Corlett and some were done by myself. I think I did make the point earlier, there is a distinction to be drawn when you have got to the point where the Department has published a draft Plan, has considered the representations that have been made and then has decided what Plan it wants to take to the Inquiry. The analogy would be, as I said before, between a planning officer representing the Planning Committee at an Inquiry and the planning officer representing the Department at the Area Plan Inquiry, so there will be matters there where the evidence that is being given is how the Department arrived at the situation whereby it proposed this proposal or in the case of people putting forward alternative proposals, of which there were a number at that Inquiry, why the Department did not support that proposal.

Mr Karran: But surely these documents would include stuff that if somebody has been seen as should not be acting from 2000 and there were questions asked in 1996 about it, surely then for them to be part of the palaver of certain implications as far as June 2003, it makes a complete mockery of your ruling that was made in 2000.

Mr McCauley: No, I am sorry, with respect, I do not think it does. I tried to make the distinction between the formulation of proposals initially and when you get to the Public Inquiry stage, because by then, they have been ratified by the decision maker and the decision maker is the Department. So the officers who represent the Department at the Public Inquiry are there in that role, they represent the Department and I think that is the distinction I would make.

I can understand it from people saying it, but I think you need to be able to make the distinction and certainly the Department took what it saw as appropriate steps to distance Miss Corlett in terms of decisions in the area that she lived in. Once that had been done and then the Department had decided what it was going to do in terms of proposals, given that actually there are not many planning officers on the Island, you have got the difficulty of the Department then actually represents... and clearly it would be a nonsense for

me to have represented for that particular area, because I have no background to the preparation of the Plan.

Mr Karran: But the problem is that if you read the likes of this submission to do with Tristar Farms and the likes of this other one that was on 17th April 2003, I think they would put a real emphasis on making any decision on that and yet you are having an officer who has been told that she should not have anything to do with the Braddan Plan three years later actually being the authors of such important aspects that makes an awful lot of difference. If you read some of these things, and took them as 'gospel', you would not include them in any final decision making from an officer that was supposed to be seen as being... should not have anything to do with it in 2000. I take it that –

Mr McCauley: I am sorry I am just going to have to repeat the point that, and you are not accepting it, that there is a difference between the initial proposal and the decision on the initial proposal and then what happens at the Public Inquiry, because the Department has decided that it is going to promote development or not promote development.

I would also make the point that if you are looking at the comments that people made at the Inquiry, again I would invite you to look at what the Inspector said, because he looked at what the Department put in as evidence and looked in at what the parties put in in evidence and, yes, if you read statements by the parties and nothing else then you may come to a completely different conclusion because you are just reading one side of the argument.

Mr Karran: Yes, but the problem is you are not talking about parties; you are talking about a planning officer that is supposed to be a servant of the systems of government, who was told not to have anything to do with the Braddan Plan three years later putting stuff down which means –

The Chairman: I think Mr McCauley has answered that point a couple of times in that the circumstances at that point are entirely different and what is being decided is different.

Mr McCauley: Yes.

Mr Karran: Well, we will have to beg to differ as far as the perception is concerned. But the thing is you say about submissions, other places kept submissions private and confidential. Is it possible that the Select Committee could have other issues where other items were put private and confidential with other Plans? You said it was not just the norm for Braddan and I just wondered from your professional viewpoint, why was it so important that Area 14 should have been kept private and confidential?

Mr McCauley: I think I have made the point. It was not that Area 14 was made private and confidential; it was that earlier representations on any site were kept private and confidential. So it is not unique to Area 14.

The Chairman: I will let you come back, Peter. Mr Downie.

Mr Downie: Yes, I just want some clarification about Area 14 and really this is one of the main issues of the

inquiry. I would just like to ask you if at any time during your discussions with Braddan Commissioners, were you made aware that Area 14 was either at that time in the ownership of the Clerk to the Commissioners or had been sold to a major developer?

Mr McCauley: If I had, I am sure I would have remembered and I have no recollection of being told that.

Mr Downie: And would you have thought that as part of the Inquiry process... well, I will rephrase that. To my knowledge, it is not a requirement of a clerk of Commissioners at the present time to declare an interest in property. It is for a member of the Commissioners themselves, but not for someone in their employ. Would you agree with me that with an issue like this for the future, it would be much better if everyone involved in the planning process working for the Commissioners is gathered in or controlled by a declaration which is given the full backing of Tynwald or the Department of Local Government and the Environment?

Mr McCauley: I am not sure what the legal requirements are on local authority officers or local authority members.

Mr Downie: As I have just explained to you, there is none for an elected member, but an elected member must declare an interest. At the present time, I am not quite certain whether there is a requirement for the clerk or anybody else working in a local authority to declare an interest when they are working up planning issues like this or dealing with local plans.

Mr McCauley: In principle, I think it is a good idea that anybody that is involved... I do not necessarily think it is necessary he makes a declaration but certainly the matter is addressed.

Mr Downie: In the domain.

Mr McCauley: Yes, when it is in the public domain that... Obviously, if you are a commissioner, you live in the area anyway, so you have got an interest and I think that is one of the difficulties of this whole issue about perception of bias. Clearly, all the Commissioners live in the area, so are they biased?

Mr Downie: Yes, and know everybody.

Mr McCauley: Yes, on the Island... well, even some of the Commissioners probably do not know everybody and they probably do not know all the landowners and I think that is one of the issues that you have got. Because on the Island there is a greater awareness of who owns what, it means that there is more of an assumption that people do and it is not necessarily a correct assumption.

But I think in terms of assisting the process and avoiding any arguments about perception of bias or potential bias, then it would be very helpful if those who are involved, if it was on the public record, as to what interest they have in land. Whether or not that requires something specific for the local authority to look at, I will leave it for the local authority and those parts of the Department that supervise the local authorities.

Mr Downie: Thank you.

The Chairman: Mr Karran, have you any final – ?

Mr Karran: Yes I just wanted to... so you made the statement that it was a regular occurrence that there were lots of submissions put in private and confidential in other Plans. Is it possible to have examples of that to show that that is the case? I know you cannot do it at the moment, but if you can go back to the Department and find that out, I would appreciate that.

Can you tell us what the particular difficulty, the difficult position it put your Planning Officer and Miss Corlett by the submission by Derek Lovejoy Partnership. The previous Planning Officer did not know what the difficult position was, but are you aware of what the difficult position was?

Mr McCauley: Only because I discussed it with Miss Corlett this morning, because it came up in something that I was reading in terms of preparation and it was that statement in the memorandum from Mr Vannan, the 14th July memo which refers to the submission by Derek Lovejoy. I was aware that Derek Lovejoy made representations on behalf of Heritage Homes, that is a matter of record. They did at the Inquiry. I was not aware of what representations they had made at that particular point.

It is a point you can ask Miss Corlett about this afternoon, but when I spoke to her she did explain that the area of land that we were talking about was not Area 14; it was land to the north of Area 16 and her property actually falls within Area 16, so it was land that actually had a physical boundary with her property and it was that in particular that caused her concern. So it was those representations: not about something that was in the Issues and Options report but actually somebody saying we want this further area of land developed.

The Chairman: Okay, we can come back to that point this afternoon.

Mr Karran: The other thing I would just like to... You made great play about the decision making of the Department under Minister Crowe. Can we have the information of when they made the decision as far as Minister Crowe is concerned? Was this stuff given to the Department members on the day or was it given weeks before?

The reason why I ask this is that people made great play about the Departments, the Department is the Minister; the other lot are just there at the whim of the Minister and I just wondered if you could find out what was the procedure as far as when Minister Crowe made the decision that she had made. Is it possible that we could have the information on that?

Mr McCauley: Yes.

Mr Karran: And the only other thing that I was concerned about is, that as a Member of Tynwald, when you have Ministers who make big statements like if independent inspectors do not make the decision they want they just do not employ them again, what safeguard is there to make sure that, in the public interest... if the Ministers overrule him, I take it that is all publicly recorded?

Mr McCauley: Yes. It is a straightforward fact, the Inspector's Report is published on receipt and before the

Department actually makes a decision, so if you have an interest in the Braddan Plan you will have got a copy on the Inspector's Report and you will have had it since whenever he submitted it in 2004, I think it was.

Mr Karran: So there is no process of where the Plan can be changed before it goes public by... the Minister does not get anywhere near to the Inspector?

Mr McCauley: The Inspector's Report, no. The Inspector's Report is sent via the Chief Secretary's Office and is then given to the Department. It is the report of the Inspector, but the legislation is clear on that, that the report is then published.

Mr Karran: Is there any record of reports being changed after the independent Inspector's Report being recommended, that areas are not kept as the original independent Inspector's recommendations in any of these?

Mr McCauley: I think you have asked me two things there.

Am I aware that the Inspector's recommendations have been altered? Not as far as I am aware and that is in respect of the Braddan Plan, the Laxey and Lonan Plan and the Strategic Plan. I am not aware that any of the Inspectors' recommendations have been altered.

There is a difference then when the Department considers the Inspector's recommendations and in some cases the Department will not accept the Inspector's recommendations. In I would say the majority of cases, the Department does follow the Inspector's recommendations but sometimes will not, and that is why the process, if it works its way to the end, allows for the fact that when the Inspector's Report is received, it is published, the Department then has to consider it and the Department then has to publish its consideration of what the Inspector's Report actually said and those are the final modifications that are done to the Plan.

People then have an opportunity to comment on those and the Department then has to consider those comments and it is only then that it decides whether or not to adopt the Plan and it is only then that it puts it to Tynwald for approval.

So I think there is a lot of mechanisms in there to make sure that what the Inspector says is public and everybody knows about it and the eventual decision of the Department, whether or not they agree with the Inspector's recommendation, is clear and explained to people.

The Chairman: That is fine, so you have confirmed that where the Department changes anything, it gives its reasons and tests that with the public before the document finally goes to Tynwald.

Mr McCauley: I would not say it tests it with the public, because I think as you progress through the Plan, it is more that people are given an opportunity to make representations. At the end of the day, the Department is the Plan-making authority and it will, in a lot of cases, be getting two sets of representations on any particular aspect that it is looking at, those in favour and those against.

The Chairman: It will invite public comment –

Mr McCauley: It will give people the opportunity –

The Chairman: – which it may or may not accept.

Mr McCauley: Yes, and then obviously that quite often leads to the debate in Tynwald as to whether or not the Plan is adopted.

The Chairman: Just by way of a final comment then. Of course the role of the Committee is not to rerun the Braddan Inquiry or to investigate the Braddan Plan process; it is to specifically investigate Braddan Commissioners and the Clerk, their actions and part of that is to do with their relationships and a very important relationship of course is with planning officers and with your Department and to look into the reasons with that backdrop as to why the Plan was withdrawn.

As far as you are concerned as Director of Planning what now is the status of the Braddan Plan that was withdrawn and what would you expect to see happen in terms of speaking generally the forward planning for Braddan over the coming years?

Mr McCauley: The status of the Plan is that it is withdrawn and, therefore, has no status in planning terms. The reason for some of the proposals may be a reason why some of those proposals continue to be acceptable. So, for example, there may be sites within existing residential areas which were identified for residential development notwithstanding the Braddan Plan; they are probably acceptable.

We need to look at what the 1991 Plan actually says for a particular site, but certainly in terms of the major housing sites, I think the situation we have now is that housing generally in the east of the Island will be considered in the Area Plan for the east and Braddan will form part of that Area Plan –

The Chairman: So the defunct Braddan Plan has no status as an emerging Plan on the basis that it has emerged and got no further?

Mr McCauley: Yes, for the principal reason as the previous Minister explained the reason for withdrawing the Plan anyway, that it is felt that the Plan is not sound and therefore longer-term planning for Braddan needs to be incorporated in the Plan for the east.

The Chairman: So the basis of the Plans for development control currently then, no regard is had to this defunct Plan; it is based on the 1991 Plan and the Strategic Plan and the emerging Eastern Area Plan, would that be correct?

Mr McCauley: There is no emerging Eastern Area Plan to refer to at the moment. You are correct it takes the 1991 as the statutory Plan, it takes the policies of a now approved Strategic Plan and there may be some site-specific reasons that are in the Braddan Plan which may assist in deciding a planning application on a site. I would stress that is we are talking about the smaller sites where, if it is sensible to build two houses on a plot, then it remains sensible to build two houses on a plot, whether or not it was said in the Braddan Plan or whether or not it is a decision made by the Planning Committee.

The major housing sites, the simple answer is that apart from one or two which have planning permission, the major housing sites which have not got planning permission will be considered as part of the Plan for the east, as will any other proposals that are put forward by parties for whatever

the level of housing that is required, how that is actually to be provided.

The Chairman: Okay, Mr McCauley, you have been very clear in your evidence and on behalf of the Committee, I would like to thank you very much for coming forward this morning.

That brings the public session this morning to an end and we will resume at two o'clock. The first witness will be Miss Sarah Corlett. Thank you very much everyone.

*The Committee adjourned at 12.38 p.m.
and resumed its sitting at 2.00 p.m.
when Miss Corlett was called.*

Administration of the Oath

The Chairman: Good afternoon, everybody, and I am pleased to welcome you back to this public session. It gives me pleasure to welcome our next witness, Miss Sarah Corlett and if I could ask the Clerk to invite you to make the declaration.

Miss Corlett: I solemnly and sincerely declare 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.

EVIDENCE OF MISS S CORLETT

The Chairman: Thank you and good afternoon, Miss Corlett. Thank you for attending this afternoon. Can I ask, first of all, how long you have been employed as a Planning Officer with the Department of Local Government?

Miss Corlett: Since 20th August 1990.

The Chairman: Thank you. I have consulted my colleagues on the Committee and I just would like to open by making it clear that in reading the various evidence that has been submitted to us, we are aware that in recent times you have been the subject of two separate investigations made as a result of complaints, but I think it is very important for the record to show the finding in each case and I am quoting:

'that any inference that you as an officer have acted other than with the utmost integrity and at all time beyond reproach is not subject to question.'

The Committee would like you to be aware of that, as a Committee and as I say, we thank you for assisting us with our inquiries.

I would just like to start with back at the early stages of the preparation into the Braddan Local Plan and would you confirm that it was around 1998 that you were delegated to be the lead officer preparing the Plan?

Miss Corlett: I recall it being slightly later than that and I think the first correspondence I have in respect of the Braddan Plan was actually in 1999.

The Chairman: In 1999. Just on that particular point of the timing, if I may just refer to a review prepared by Mr McCauley in respect of the processes leading up to the Braddan Parish Plan. I am quoting from his review to the Department of October 2005 where he said that you, Miss Corlett, the Planning Officer involved, had raised the possibility that you might have a conflict of interest with the then Director of Planning and Building Control in 1996 so clearly –

Miss Corlett: That is clearly an error because I did not live in Braddan in 1996, so I would not have had a conflict of interest, as has previously been the case or has been alleged.

The Chairman: Right, so I think it is important that the Committee just clarify that point that the suggestion that in 1996 you might have had a conflict of interest as a result of being a resident of Braddan, that was not raised at that time.

Miss Corlett: I was not living in Braddan, so it could not have been.

The Chairman: Can I ask when you did become a resident of Braddan?

Miss Corlett: I think it was October 1998.

The Chairman: October 1998.

Mr Karran: Would that conflict be with anything else but the issue of Planning?

Miss Corlett: In respect of me being asked to do something in respect of Braddan in 1996, I do not recall being asked to do anything in respect of Braddan in 1996, but I cannot imagine what that conflict would have been. I think that is an error, a typing error, because I do not recall that.

The Chairman: Okay, so when you became a resident of Braddan in October 1998, at that time was there any flagging up of a potential conflict of interest purely by being a resident of the parish?

Miss Corlett: No, my first highlighting of the fact that there might be a potential conflict of interest was the memorandum that I think you have seen to Mr Vannan, which I think was in August 2000.

The Chairman: In August 2000, we will come on to that. Thank you for clarifying that point and just going back then to when you were appointed, which you say was during 1999, there was an initial Issues and Options document which is dated October 1999 and we understand from Braddan Commissioners' written evidence to us that prior to the formulation of the draft Plan, the Commissioners were given the opportunity to have input into the Issues and Options document, that is the document that was then widely circulated for public discussion including by the Commissioners.

Miss Corlett: That is correct. Perhaps it might help, at the time I prepared a chronology which would help me establish a timetable for the Plan, so I have got up until a

certain point details of meetings and timetables and schedules and phasing.

The Issues and Options document I think was issued in May 2000 and my meetings with Braddan Commissioners started, I think, in September 1999, so there was some time certainly between starting to talk to the Commissioners and actually the issuing of the Issues and Options Plan.

The Chairman: So we have the October 1999 document and the May 2000 Issues and Options written statement. When the Commissioners say that they had opportunity to input into the Issues and Options document, was that into the October 1999 document or the Issues and Options written statement of May 2000?

Miss Corlett: Well both. The October 1999 document was, I think, a draft and that was a starting point for discussion which would result ultimately in the formulation of the one that was issued in May the following year.

The Chairman: So when you were preparing the Draft you had some discussion with the Commissioners?

Miss Corlett: I did, as indeed I have in any other Area Plan or Local Plan that I have been involved in.

The Chairman: Just really to confirm that it would be normal in respect of Local Plans in other areas with the local authorities to have discussion in the run up to preparing the Issues and Options document?

Miss Corlett: Yes.

The Chairman: Thank you for that. Then the document of October 1999 has on its front this statement that, 'this document will be available until 25th December 1999. Comments should be sent to' – and then it is your contact details. So who would be invited to give comment and what form would you expect to get it in meetings or correspondence or whatever?

Miss Corlett: In respect of any draft Issues and Options document, because I think the October one is a draft, it is not one that was circulated, although I will be stand corrected if somebody can suggest otherwise. I know there is a date on the front, but I do not have a copy.

The Chairman: This one is October 1999, 'This document will be available until 25th December 1999. Comments should be sent to' – and then it is your –

Miss Corlett: I am positive that is a draft. We would not have had an in-by date on Christmas Day for a start. It was probably something that I produced as a bare-bones of something that would be adopted and modified and then would result in the document that was actually issued.

The Chairman: Yes, are you saying that this document then requesting comments by 25th December was a draft that was not issued in fact, beyond the confines of the Commissioners?

Miss Corlett: It was possibly issued to Government Departments because we would normally seek their views

before issuing a formal document, but I do not think it was issued to the public.

The Chairman: Right, okay.

Miss Corlett: I am certain it was not issued to the public, because it would not have had a views-in-by date of Christmas Day.

The Chairman: If we could just refer to the May 2000 document which is the Issues and Options written statement. That says comments should be sent by 14th July 2000 to yourself so that Issues and Options written statement dated May 2000 is the document that would be issued to the public and to all interested parties.

Miss Corlett: Yes. I think in fact it might be something you are coming to, but the Commissioners particularly wanted everybody in Braddan to have one of these. I think if you have read the correspondence between our Department and the Commissioners, they were adamant that everybody in the parish should have the chance of a copy and yes, they actually requested enough copies for everybody to have one, which was a problem for me but that is what they wanted to do.

The Chairman: Many thousand copies. And that is a unique occurrence, I assume?

Miss Corlett: The Commissioners wanted to make it easy for people to comment on and I think they produced that independent from me and obviously taking some of the drawings from the Plan.

The Chairman: Just for the *Hansard* record, we are looking at Braddan Parish Commissioners Information Sheet on the Braddan draft Development Plan and there is no date on this, but it makes reference to the draft Plan.

Mr Downie: Views to be submitted by 8th June 2001.

Miss Corlett: That is probably in respect of the first draft and not the Issues and Options.

The Chairman: A first draft. So this is about a year after the Issues and Options written statement.

Miss Corlett: I think there was also a questionnaire that went along with this which basically picked out the Issues and the Options and gave people almost a form to fill in which they could just send back rather than writing in independent responses.

The Chairman: Yes, so just to be absolutely clear, the Issues and Options document proper May 2000 was issued widely to the public and all interested parties having had a draft version prepared and considered with the Commissioners.

Miss Corlett: Yes.

The Chairman: By way of comparison, the Castletown and the Laxey-Lonan Local Plans were running concurrently. I am aware of an Issues and Options document in the case

of Laxey. Was there a draft Issues and Options document that was used as the basis of discussion with them, with Laxey?

Miss Corlett: I am sure there would have been because we go through the same process and I am sure I remember talking to Laxey and Lonan Commissioners, because obviously they are two separate sets of Commissioners, about the Issues and Options document going through the process before we issued something, so I am sure it would have been the same with them.

The Chairman: Okay, because there is documentary record of your having discussions with them over the Issues and Options document, but I am just trying to clarify was that the final one that everybody got or was it a draft version which, as in the case of Braddan, you worked up in conjunction with the local authority?

Miss Corlett: I am sure it would have been the same in both cases, but I can certainly confirm that to you. I will have to go back to the office obviously, but –

The Chairman: Would it be your expectation, without labouring the point, that with a local authority then you would expect to consult with them before the Issues and Options document was finalised and widely cast to the public for discussion?

Miss Corlett: Yes, in fact I think in the case of Laxey, I can remember sending them the draft Issues and Options document and getting back a response to the document, rather than a response to what the document said and writing back and saying I want you to comment on the contents of the document, not your responses to what the Issues and Options are, so I am sure it was the case that they commented on the draft.

The Chairman: So they would be commenting on the draft.

Miss Corlett: Commenting on the form that the draft took, rather than the contents of the document.

The Chairman: Fine, thank you. So that work commenced into the draft Braddan Plan in mid-August 1999 and you had meetings with the Commissioners that autumn and you had visits to various sites or the Commissioners had visits. Did you go with them?

Miss Corlett: I did not, no.

The Chairman: No, it was the Commissioners that visited various sites. Former Minister Rimington has said in his statement to us – can I just ask if you had access to that statement?

Miss Corlett: I have not read it and a copy has not been provided. I have read in the paper the gist of what he said.

The Chairman: He gave the opinion that:

‘Whilst 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.’

It goes on to say:

‘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.’

That is Mr Rimington’s opinion. What would be your comment on that?

Miss Corlett: I do not agree with it at all.

In terms of the process, we produced a draft Plan, Issues and Options Plan, we talked about it with the local authority. There were various exchanges of correspondence and then the Issues and Options document gets issued. That is exactly the same for all of the local authorities that I have dealt with. How many times they come back with amendments might be different, but that is up to the local authority concerned.

The Chairman: In relation to that, he has also said to us that... there was a reference somewhere to the complexity of the Braddan Plan. Would you say that the level of consultation you had with the Commissioners corresponded to the complexity of the issues and the options actually in relation to the forthcoming Plan, in terms of national strategic interests for hospital, incinerator, potential prison, the housing requirement of 900-plus dwellings that were being forecast as required...? Was the level of consultation in your view, if it was considered, over and above that which took place with other authorities – an example of East Rushen was given by Mr Rimington – that that was appropriate?

Miss Corlett: Well, I think it was. I think the nature of the issues that emerged in the Braddan Plan process, or even were evident from the start, are quite different from the Arbory and East Rushen Plan which is predominantly a rural place with five very small settlements in it. I think the consultation was quite appropriate in the light of the issues in the document.

The Chairman: Okay, thank you.

If I could just move now to the question of Area 14 and that has been the subject of course of the conflict of interest claims. You have informed us that it was not 1996 when this matter first arose, but in the year 2000. Would it be correct to say that it arose as a result of planning consultant for Heritage Homes, Derek Lovejoy Partners, raising this as a potential issue in respect of land where you lived or adjacent to where you lived?

Miss Corlett: Part of that is correct, part of it is not. My contact on my memo to the then Director of Planning about my potential conflict of interest was in respect of a submission that was made by Derek Lovejoy and Associates but not on behalf of Heritage Homes or any subsidiary of them

If you have got the Plan in front of you, towards the end of the red document there is a series of plans and if you look at figure 4, which is essentially the one that deals with – if you look at the Area 16 –

The Chairman: Area 16 is an option for further residential development.

Miss Corlett: Yes. The submission to which I was referring from Derek Lovejoy was a self-contained submission which dealt with a number of sites – three sites, I think, in Port Soderick and sites wrapping around Area 16 but not including Area 14. Any submission in respect of Area 14 was separate from the submission I was referring to and I was concerned that, because the submission was literally on the other side of the hedge at the end of my garden –

Mr Downie: It would have made you a party.

Miss Corlett: Well, it would. If there had been a planning application, I would have been party to it and I did not feel it was appropriate for me to deal with any of that part of the proposals.

The Chairman: So just to be absolutely clear then. Your memo to the then Director was not confined to any suggestions regarding Area 14, but 14, 16 and Area 15 as well?

Miss Corlett: My memo was solely concerned with the response in respect of Area 16, not 14 and if you read the response from the Director of Planning where he said yes, he quite accepts that I will have a conflict of interest, he then recommends that he deals with the particular Area which itself does not deal with Area 14, he just talks about virtually Area 16 and the bit around it.

Mr Downie: Mount Rule Road including the properties Flambards, Mount Rule House and Close Mooar.

Miss Corlett: They are all in Area 16.

Mr Downie: Those are properties on the other side of the road.

The Chairman: He has, though, in his memo of 31st August referring to your memo to him of 21st August in which you had indicated or suggested areas for development and coloured red, he responded that... confirmed the agreement that you would not participate in a decision-making process regarding this area due to your being resident there and then he went on to set out his thoughts in relation to each site, 13, 14, 15, 16 and a couple of other smaller areas in relation to your suggestions. That is very helpful so this initially was flagged up, as far as your residence in the area was concerned in respect of Area 16 and it was not Area 14. Thank you very much.

In respect of Area 14, what was your knowledge of who owned the land in Area 14 at that time?

Miss Corlett: At the time of the making of the Plan, I did not know who owned it. I am sure you have heard evidence from others to this effect, but land ownership is not something with which I concern myself as a planner. Planning is about land use and land development, it is not about who is doing it. I had dealt with an application, in fact two applications, in 1997 for stables and they were both submitted by Mr Lewin, the Clerk to the Commissioners, in 1997.

The Chairman: And that was within Area 14?

Miss Corlett: Yes.

The Chairman: So when you say in 1999 or 2000, when you were not aware of who the then owner was, you were aware though of who the owner had been in 1997?

Miss Corlett: Yes I was.

The Chairman: And you were unaware if there had been any change of ownership?

Miss Corlett: I was not aware there had been any change of ownership.

The Chairman: Would it be true to say that as far as you knew, you had no reason to believe that the owner was other than Mr Lewin at that time?

Miss Corlett: Well, only for the fact that I had discussed the Plan with him and he had not raised it and I would have expected, had he still been the owner, that he would have said that and he did not. I did not feel it was for me to start asking him about his position and whether he should be commenting to me about parts of the parish. As far as I was concerned and I still am, it is a matter for the Commissioners, not a matter for me.

The Chairman: Certainly we accept that one of the rules of planning is that the ownership is an irrelevant consideration, but as a resident of the area and not as a planner, you could well have been aware of who owned the land opposite your own house?

Miss Corlett: Area 14 is not opposite my house, but the field that is opposite my house, I have got a vague notion who owns it, I do not know who farms it, it might well be somebody different from the owner, but no, I have to say I do not think it was something that concerned me.

The Chairman: You are saying as well then that you were not aware, you had no knowledge of the sale of that land – Area 14 – by Mr Lewin to Heritage Homes?

Miss Corlett: Absolutely not.

The Chairman: When were you first made aware that that land had been sold to Heritage Homes?

Miss Corlett: Very recently, I think it came up in one of the complaints about me.

The Chairman: Mr Rimington in his statement, not wishing to belabour this point, in saying that it was improbable that you were unaware of the land ownership, that the land had been subject to six planning applications from 1986 to 1997, all in the name of the Clerk, the two that you referred to: were those the ones that you dealt with as a Planning Officer?

Miss Corlett: I did.

The Chairman: That is fine. And the others were not handled by yourself?

Miss Corlett: I have knowledge of three pre-applications that were prior to that so that makes a total of five, not

six as Mr Rimington suggested, but the three prior to the 1997 stables applications that I dealt with, that were in the name of Mr Lewin himself, there was an application for 47 dwellings in 1988 which was made by Mr Lewin, I think, in person. That was refused, that was before I was in the Department and there were two prior applications for residential development which were in the name, I think, of Lewin Farms. They were in 1986 and 1987.

The Chairman: Okay. Before I hand over to my colleagues there is another comment made by Mr Rimington in his submission regarding the January 2003 Modifications Document, where it was stated – this is the Department document that considered the modifications to the draft Plan:

‘Braddan Parish Commissioners did not submit a formal response’ –

I think this is quoting your wording from that document –

‘but, having had the benefit of considerations of all the views received, made comments in great detail directly to the Planning Office in respect of all the plan.’

This has been given as evidence of the non-formalised nature of the contact between the Commissioners and the Planning Office other than through formal channels of invitation to comment and formal response. The fact that there was not a formal response, but the Planning Officer had instead been looking at various comments made over a period of time: this is given as evidence of an untoward relationship, shall we say. What would be your comment on that?

Miss Corlett: If Mr Rimington read any of the correspondence between myself and the Commissioners on this point, he would know that my view was that they *should* have sent in comments before the end of the consultation period like any other party. I stressed this to them a number of times, but they were absolutely adamant that they wanted to provide a response which reflected the views of their electorate, at the end of the day, and point-blank refused to give me comments.

Now, I am not in a position to demand that they do that. I certainly was not going up the Plan process, simply by insisting that they could something that I could not control anyway.

It is something that I brought up with Mr Vannan at the time and his response was, if that is the way they want to respond, then we will have to go with that. But it certainly was not something I was happy with and it is not something that has happened before. All other local authorities have responded within the time, like all the other parties on other Plans.

The Chairman: So just before I bring Mr Downie and Mr Karran in, the extent with which you worked with the Clerk to Braddan in the formulation of the draft Plan was in accordance with your normal procedures and way of operating with all local authorities in this situation, as far as you are concerned.

Miss Corlett: Yes.

The Chairman: That is fine, thank you very much. Mr Downie.

Mr Downie: Thank you, Miss Corlett.

Obviously, you deal a lot with planning matters in Braddan and I just want to ask –

Miss Corlett: Not any more, I don't!

Mr Downie: Not any more, you do not, but you have had a close involvement over the years with planning matters in Braddan. I just want to clear up this point that has just been progressed by the Chairman, regarding the Derek Lovejoy Partnership.

Now, have they ever been involved in a plan to develop Area 14?

Miss Corlett: To be honest, I do not know. I could find out. I do not know. They might well have represented other parties in the Plan.

Mr Downie: If you look at the submission from the former Minister, Mr Rimington, he seems to think that the Lovejoy Partnership, through Dandara and through the Commissioners, have been pushing Area 14.

Miss Corlett: He may be correct. He may be correct in that.

Mr Downie: We have yet really to see any evidence of that, so it would be helpful –

Miss Corlett: I can certainly find that out for you.

Mr Downie: Right. He goes on to say in the submission:

'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.'

How do you feel about this statement?

Miss Corlett: Well, I think he is surmising an awful lot. I have never spoken to Mr Rimington and he has never made any of these points to me, so whatever he is saying he thinks that I thought, he is clearly doing that on the basis of what he thinks, rather than what actually was in my head at the time.

As I have said, I do not think it is relevant who owns land and his reference to the fact that I should have known that the Clerk or anybody else should have made a formal statement, I have no knowledge that he did not. For all I know, he might well have done.

I was not just dealing with the Clerk. Many, probably most of the meetings I had were with the Commissioners as a full body. Had they known that there was a problem, I still feel it was a matter for them.

Mr Downie: And at no time, when you were dealing with the Commissioners, anyone from the Commissioners intimated that Area 14 was owned by the Clerk.

Miss Corlett: No, never.

Mr Downie: Well, that is fine, that has sorted that out.

Now, the other area I want to ask you a few questions about is that you had some lengthy communication with Mr Vannan, round about 2000-01. When the Plan was being progressed, you did declare your interest in a particular issue, and at one stage, Mr Vannan said he would take responsibility of developing the Braddan Plan in the area that you lived in.

Miss Corlett: He did say that.

Mr Downie: He did say that. We have got it in writing here and we have also got the Areas that he looked at, the sites he visited, in conjunction with working up the Braddan Plan.

But when Mr Vannan left in 2001, who assumed responsibility for the progression of Area 14 in the Braddan Plan or was it, at that stage, then in such a position that it moved on to the next Plan? Had it been approved in the earlier Issues and Options and recommended for development? Who took ownership of that Area?

Miss Corlett: You will probably have to refresh my memory about dates.

The first draft Plan that was issued for public consultation, I think had been issued by then. Now, I do not have the document in front of me, I do not know. Was it April 2001? It should be the green one. Yes, April 2001. So that was effectively a statement of the Department's decision-making.

Mr Downie: So the issue regarding the land and the inclusion in any documentation had moved on then. It had become historic, in other words.

I will read you the... Mr Vannan took responsibility for Area 13, Ballamillagyh Mansion House; Area 14 which was the land in Mr Lewin's ownership that is the subject of discussion today; Area 15; Area 16, the rear of Ballacain Cottage on Crosby Road and Ballacarrooin Cottage on the Crosby Road. They were the bits and pieces that he dealt with.

What you are saying then is between Mr Vannan leaving, Mr McCauley coming in, that then moved into this other document here.

Miss Corlett: I think it was already in that form by the time that Mr Vannan had left.

Mr Downie: It just clears a few things up.

The Chairman: So you did not resume any consideration in respect of those Areas once Mr Vannan had left, pending his successor taking over.

Miss Corlett: It was in the form of a Plan for public consultation.

The Chairman: So there was nothing really to progress.

Miss Corlett: There was nothing to report or to discuss or anything else.

Mr Karran: But surely those reports would lead to... some of these reports are quite clear and would guide me. If I get a report from my planning officers about areas – like in June 2003, Tristar – if I read that report, I would be saying, ‘Oh my planning officer says that no, we should not allow the farm to be developed further up because of’ –

Miss Corlett: With the greatest respect, Mr Karran, that is not prepared by the planning officer. That is prepared on behalf of the Department.

Mr Karran: Well, who prepares it for the Department?

Miss Corlett: The responses were prepared by myself and Mr McCauley. I cannot tell you which of us was responsible for which response.

The Chairman: As part of your professional duties.

Miss Corlett: Reflecting what the Department had decided.

The Chairman: Yes, we understand that.

Mr Karran: So the situation would be that you are saying that this would not be written up by yourselves; it would be the Department that makes the decision that the farmhouse is too –

Miss Corlett: No, the reports were written, as I said, by myself and Mr McCauley between us – I could not tell you, as I said, who did which one – but they are written on behalf of the Department. They are explaining their view – not my view or Mr McCauley’s view or anybody else’s view.

Mr Karran: I do not mean to be... but the likes of this is a very detailed... I know Mrs Crowe can get up early in the morning, but I would not have thought she would have been up Ballamillagynh Farm lane to see where the trees are and stuff. Really speaking –

The Chairman: That reflects a professional assessment of written submissions on the Plan, assessment by the Department.

Mr Karran: So you are saying it is not their views, Chairman.

The Chairman: It is the Department’s views.

Miss Corlett: It is the Department’s views.

The Chairman: The Department has agreed its position in the matter.

Mr Karran: The Department is a very jelly-form, as I say.

Miss Corlett: You might say that; I could not possibly comment!

Mr Karran: In the fact that the Minister is the Department, but the Members are responsible when the

Minister does not want to have the decision.

My concern is that, obviously, these documents may have been done on behalf of the Department but, at the end of the day, there is no way a Department Member – there is no way Mrs Crowe or the likes – is going to actually put this together and say, ‘Sarah and Ian, I do not think we should, because the trees down the main entrance to Ballamillagynh...’ You yourself and Mr McCauley must have been the authors of this and develop the policy of that.

Miss Corlett: Well, that is what I said. They were prepared by us on behalf of the Department and reflecting the decisions they had made in –

Mr Karran: But is not that a bit of a contradiction? If you had been told in 2000 that you should not have anything to do with the Braddan Plan process –

Miss Corlett: No, I was not told in 2000 I should not have anything to do with the Braddan Plan process. I was told in 2000 that I would not have anything to do with a certain part of it.

Mr Karran: This is next door to –

Miss Corlett: Is that something I prepared?

Mr Karran: I honestly do not know. It is ‘DLGE/3 Braddan Plan Public Inquiry, June 2003, response by the Department to written submissions received prior to 17th April 2003 Tristar Farms Ltd.’

The situation –

The Chairman: I think Miss Corlett has answered the point that this is a Department document, the result of a Department decision. In a professional capacity, she and others will have prepared that document and it will have gone to the Department for political acceptance or not. The authorship at that stage was not entirely relevant.

Mr Karran: But the point is those documents will be the foundation stones for the final decision. That is the situation. That is all I would say: if I was on the LGB and you are my planning officer... My Dolphin Certificate stretches for a lot, when it comes to MEA and many things, but where it comes to the likes of planning law, if I got this document from you, I would be saying, well, there would have to be a damned good reason for me not to make that my policy statement –

The Chairman: This line of questioning we could possibly put to political Members who sanctioned that paper, as to what was in their minds, as to how they understood that paper and what it meant, and we may well do that. So, can we move on.

Mr Karran: Yes, I will carry on. I think that most political Members would look at it on that basis.

Miss Corlett: Can I just add, though: something you said about Members not getting up early and looking down lanes for trees. Well, certainly the Department at some point in the process, probably before the first draft, possibly before the second draft, did actually go out on site. They spend an

entire day driving round the Parish, looking specifically at all the sites.

I would add that, at that meeting, on that site meeting, I actually did point out where I lived, so it was not something I have ever hidden from anybody at any time. But they have visited all the sites in quite some detail.

Mr Karran: I am not arguing about the issue of your ownership and where you reside –

Miss Corlett: But in respect of detailed knowledge of the sites, they did visit all of the sites.

Mr Karran: I would say that their perception would be very good, if it was a first perception, to be putting in such detail in to be fair. That is fair enough.

At the end of the day, the argument might be, Chairman, that we are splitting hairs. But if we take Braddan Commissioners, we all know that, for a number of years, Braddan Commissioners really was run by the Clerk, with the –

Miss Corlett: I cannot comment on that. It is not something I have knowledge of.

The Chairman: I do not think that is a comment to make to the Planning Officer. It might be something you wish to make to representatives of Braddan Commissioners.

Mr Karran: But the statement was made it was Braddan Commissioners were the ones that the Planning Officer met with. Quite a few of the Commissioners left Braddan Commissioners, and we all know that, in many cases, the Clerk had more of a powerful influence over the period, for a number of years.

Could you ask the... How did Area 14 get into the Issues and Options document?

Miss Corlett: Can I just go back to something that you have just said. It was not a question – and I certainly could not answer it, even if it was – but my experience of working with the Commissioners was that I met the Commissioners, all of them, in meetings. I also had meetings with the Clerk, which usually preceded other meeting with the Commissioners. The Commissioners had input. The Commissioners as elected people had input. It was not all the Clerk. They had their own personal views.

There is some correspondence that dates from around 18th August 2000, where one of the Commissioners and I... well, I will not say we fell out, but he told me I would not need to stay for the meeting for very much longer because of his particular views on something, some element of the Plan. So, my experience of the Commissioners was that the Commissioners did very much have their own minds, regardless of what you might think of the fact that you think the Clerk was running the show.

So, I also think it relevant... You are painting a picture that the only people I spoke to through the entire process were the Commissioners. Well, it was not. I had meetings with numerous people, whether they were local residents, Government Departments – notably, probably not the developers. I do not think the developers did come into talk to me very much. They put their submissions in and they were considered with everything else. But a lot of people

came to talk to me – a lot of people.

Mr Karran: You have never gone to the head offices of the likes of Dandara –

Miss Corlett: Certainly not in respect of the Braddan Plan, no. I have never been asked to.

The Chairman: Would it not be reasonable, though, for developers as interested parties to have discussion with planning officers and consultation?

Miss Corlett: Absolutely, I would be more than happy to talk to anybody about any aspect of the Plan. That is what my job is, at the end of the day. But most of the developers did not do that. Some of them did: some of them sent their architects and we talked about layouts and everything else.

The Chairman: Would you have expected as a matter of course to have discussions with developers over land in their ownership and did it happen?

Miss Corlett: Yes. No, that is not strictly true. Some developers did, or representatives of some developers did.

Mr Karran: So when did the Area 14 get into the Issues and Options?

Miss Corlett: Area 14 was in the Issues and Options document virtually from the start. When we look at Areas – and you may be familiar in respect of the Strategic Plan, when we are looking for development opportunities, in terms of an established need – we look at trying to consolidate places. We look at established settlements, where there is a sense of place, and looking at infill sites or sites where further development could happen, without adversely affecting the amenities or character of the area, and you will see that not only at Mount Rule but other parts of the Parish.

In fact, if you look at the next one along, which is Ballaveare and Quine's Hill, there are plots which to some may consolidate and to others, they may not. So, they were put in for discussion as plots which a case could be made for. Whether they finally were approved or not is another thing.

Mr Karran: So you did not initiate Area 14.

Miss Corlett: I probably did, in respect of drawing up a Plan which would consolidate an existing settlement. It does that.

The Chairman: You have no knowledge that some other party said to you, 'I think Area 14 ought to go in this draft document.'

Miss Corlett: I certainly cannot remember that, no. If you look at all the planning history of Area 14, there have been applications for residential development in the past which have been refused – like Area 13, there have been a couple of development proposals in 1994, I think, and more lately in 1997, for development in that area.

The Chairman: So, it would be natural, in drafting the Plan and identifying areas for inclusion for possible development, to take note of the planning history, the

fact there had been unsuccessful applications on hitherto undesignated land and that then becomes subject for discussion in the document.

Miss Corlett: That is right. The Issues and Options document is not an expression of any support for any of the sites or any of the policies. What it is is a document which tries to cover anything that anybody is going to suggest and get people's responses to that before we start drawing up a document.

There is no point in trying to put together a Plan that the Department thinks is a hundred per cent right and then finding out there are loads of sites which we have not considered or on which people have views, which we then have to start consulting people at the Public Inquiry. So, it is a very broad document which identifies far more sites, perhaps, than will be included as a discussion document.

The Chairman: Sticking with Area 14, can you recollect that being specifically discussed in your meetings around this time, either with the Clerk or the Commissioners, one way or another, the merits for its inclusion or not?

Miss Corlett: I have written evidence, as I am sure you have seen, in terms of the Commissioners' response to the Issues and Options document, which does address specifically Area 14, as indeed it expresses specific views on Areas 13 and 15 as well.

The Chairman: I know they make recommendations as to the number of houses that would be appropriate and that varies as time goes on, as you would expect with an evolving Plan. It was just from your recollection, do you recall anything being said about Area 14 at the discussions stage, not the formal submissions stage?

Miss Corlett: Not especially.

The Chairman: Not especially.

Mr Karran: Can you tell me whether there are any submissions that have been made for Area 14 and then been made private, that we as a Committee have not seen?

Miss Corlett: The only comments that have been made are on the file, and presumably you have had access to all of our files, all of the responses.

Mr Karran: So there should be no other submissions, as far as Area 14 is concerned?

Miss Corlett: There have never been any submissions made to me that I have not put on the file and made available to anyone who has asked, in respect of a Committee.

Mr Karran: Or ones that have been public and then turned private at a later date?

Miss Corlett: They have never been public. Our policy has always been, at the initial stages of consultation, that they are private correspondents between the Department and the people who made the comments.

The Chairman: But we have also had evidence, of course, that the Commissioners were allowed access –

Miss Corlett: They were.

The Chairman: – to those confidential documents that were given in confidence.

Miss Corlett: Well, they were not given in confidence, because we never actually said to anybody that they were going to be confidential, but it has always been our policy to treat them as confidential, because we have not said that they were going to be public.

Because the Commissioners have taken the stance – and they took the stance all along – that they wanted to reflect what their electorate, their population was saying, they could not do that, unless they had seen what the people had said.

The Chairman: So the Commissioners would have had sight of confidential documents, including those of developers who were making their views known to you, so those would be known to the Commissioners, and obviously the Clerk.

Miss Corlett: They would. I think if we were going to treat correspondents fairly, all the correspondents should be treated the same, so if the correspondence they had was everything, whether it is Government Departments or private individuals or developers.

I have to say, as a professional, I would have treated any individual householder and developer in the same context.

The Chairman: So, if you had had your way, you would have given equal access to documents to other parties.

Miss Corlett: No, I am not saying that. Our policy up to relatively recently has been – and whether that is a planning application process or whether it is an Area or Local Plan process – that there are certain elements of the process which are private and confidential. Indeed, that is how we treated Planning Applications up until relatively recently.

In the Area Plans, we have started off on the premise that everything will be open to public scrutiny, but we never said that in any of the Local Plans, so whenever we have been asked for correspondence, because we never told people they were going to be public, we felt it was unreasonable to suddenly make them public.

The Chairman: In respect of Braddan, was there anything by way of that practice that was different, compared with the other Local Plans running at that time, in terms of looking at confidential submissions?

Miss Corlett: To be honest, I cannot remember. Had Laxey or Arbory and East Rushen or Onchan Commissioners asked me for the views, I am sure I would have given them to them. I cannot remember whether they asked or whether I gave them.

The Chairman: Thank you. Peter.

Mr Karran: So you said in your statement that nobody has been in touch about these statements from former Minister, Mr Rimmington. You have not had a copy.

Miss Corlett: I said I had never been given a copy of it, no.

I have to say, my approach to coming to give evidence was that the evidence I should give should be mine, and I really did not want to be influenced by things that I had read that other people had said. It is quite difficult to remember things that happened seven and eight years ago anyway, but to suddenly have your memory refreshed by what somebody else remembered is sometimes quite confusing. So, to be honest I have deliberately not read anything that anyone else had said.

Mr Karran: Maybe we should come back and let you have...

Miss Corlett: If you think it is relevant, yes.

Mr Karran: With the fact of the Pilling Report, why did you not disqualify yourself, as far as the Braddan Plan process is concerned?

Miss Corlett: I find it difficult and, to be frank, I still find it difficult to establish quite when somebody is either having a conflict of interest or could be seen to be having a conflict of interest.

As an example, I am a resident of Braddan: Braddan stretches as far as Port Soderick. Could I really be seen to be having a conflict of interest with a development proposal that was in Port Soderick? I do not think so, and I think the fact that I pay rates to Braddan, as indeed I pay rates to the Government, that in itself should not disqualify me either.

I did not feel, up until the point that the submission was made for the land right outside my house, that there was a conflict of interest.

Mr Karran: Not even the piece that is a bit further down the road.

Miss Corlett: I cannot see it from my house. I cannot see why it would affect me any more than I drive past lots of sites on the way to work every day.

Mr Karran: It would be the Trojan horse factor. If they have got the bottom part, then almost certainly they would get further up the hill.

Miss Corlett: Well, I do not accept that. Planning is about defining boundaries and once boundaries have been drawn, that is where the boundary is, until it is drawn again. I think simply because development has happened, it does not mean that more developments can happen in the future. I know some people think that, but I do not personally believe that.

Mr Karran: So the likes of Area 7, around Strang shop, that is quite a place that people can see. Why did we think that that should be developed?

Miss Corlett: Most of the areas where development would happen can be seen from somebody from somewhere. If there is an established need for housing, if you can see all of the sites from somewhere, there is going to be some visual impact. It is not a case of trying to find sites from where development will be invisible because they do not exist; it is trying to find sites from where the visual impact would be acceptable.

That is something which is almost always subjective. There are lots of submissions made and, in fact, there were lots of submissions made in respect of the Braddan Plan, citing exactly the same viewpoint but coming to completely different conclusions because it is so subjective.

The Department felt that Area 7 was acceptable and –

Mr Karran: Would you not think that your professional voice would be pivotal in an area being accepted by Department Members?

Miss Corlett: I think it is important, otherwise they would not ask for us to prepare reports and draft documents for them.

Mr Karran: How do you justify the consistency? You had a situation where the land at Area 4, at the bottom of your road, had been turned down three times; you have got this land that is behind Strang Stores on top of a hill; and yet as a former MHK for the area, the bottom of the hill behind The Strang development, you can put whatever you liked in there and no-one would have seen it from there.

How did you come to relate this area over an area where, basically, behind the Strang Road there – ?

Miss Corlett: Well, I am not following you, because Area 7 was included for development.

The Chairman: I think what he is driving at is that, whereas Area 7 was strongly supported by the Department for development, as an area it contrasted with the lack of support for other areas where the planning factors seemed to be the same or, in fact, no different.

Miss Corlett: I am sorry. I do not understand that at all.

The Chairman: Well, there is an inconsistency of approach. The Department seemed to go out of its way – it is alleged – not to support particular areas on particular planning grounds and those same planning grounds – it may well be subjective – could be said to apply to areas like Area 7.

Miss Corlett: Well, they do not. They are not the same.

No two sites are the same and they are going to be different in some respects, whether it is the visual impact, the view or the area from which you can see the site infrastructure. All sites are different and I do not think you can say, because one site was included and another site which somebody thinks is the same, which it clearly is not, there is inconsistency.

Mr Karran: Well, let us be honest – obviously, you are the planning man.

Miss Corlett: I am not a man, Mr Karran. I might have trousers on, but I am not a man!

Mr Karran: The situation is the fact that the proposed development behind Strang Stores, you could see from several vantage points all around the surrounding area, but the ones at the bottom of it, behind the likes of the Strang Road development there – you would have a job, even off

the Lhergy, to be able to see that.

Miss Corlett: Well, I think I should reserve my judgement about my personal views on different aspects of the Plan.

The Chairman: I think, Mr Karran, we are making the point... The reason we are stressing this point is that Mr Rimington went at some length to contrast the difference in approach of the Planning Office and, ultimately, the Department at Inquiry, in the way different areas of land were treated. He cited planning grounds which he considered to be spurious. This came through in his statement.

He said, I am quoting from Mr Rimington:

'My Department's evidence to the Inquiry [...] was a polemic against the Camlork land' –

that is areas 1, 2, 3 and 4 –

'and a blinkered support for Area 7'.

That is his opinion and he set out various grounds for saying that, to do with development on high ground, water supply and all sorts of things which, presumably, are subjective. The purpose of an Inquiry, however a piece of land got to a particular draft stage, was to test the planning criteria by which that area was judged for or against residential development.

Miss Corlett: It was and I think it is a little bit unhelpful to say that, without having any regard to what the Inspector said. The Inspector's conclusions, never mind what the Department did with or would have done with the Inspector's conclusions, are just as relevant as what the Department said.

From my recollection, the Inspector actually said that Area 7 was acceptable for residential development, so whether you agree with the Department or not, they were not alone in saying that it should be included for development.

Mr Karran: But, of course, this land was, at one time, in question about the Department. That is not an issue for you, but the Department was talking about buying this land at one point.

The likes of issues of consistency: the situation with these documents, these Public Inquiry documents which yourself and Mr McCauley wrote – and, alright, fair enough, it was the policy of the Department Members – when the likes of the Department of Transport was pushing for a by-pass for Strang Road, why was one of these documents done for that?

Miss Corlett: Why was or why was it not?

Mr Karran: Why was it not?

The likes of these documents for the Public Inquiry; the issue of the by-pass for Strang Road was an issue when I represented the area 20-odd years ago. The Department of Transport, I know, are very keen on this. Why was there not a document to argue that point, that might have been to open up that land?

Miss Corlett: My recollection of the Department's response was that it was not a specific proposal of theirs, but they were supportive of the principle, as part of the development of that land.

Mr Karran: Right. It comes down to the jelly factor again of being able to now... It was a tremendous priority at one time that there was... As a former Member for Health, there was great credence put on it.

The Chairman: We are running short of time, if you could bring you questions to a close, please.

Mr Karran: Can you tell us what date the submission of the Derek Lovejoy submission actually became a difficulty – now you have explained it is nothing to do with area 14, but area 16. It was purely Area 16?

Miss Corlett: Yes. What date the submission was received?

Mr Karran: The submission was put in.

Miss Corlett: I would imagine very shortly before I wrote to Mr Vannan saying I had a conflict of interest. I have not got the date to hand, but I can provide it for you.

The Chairman: It is on or about, just before July 2000, presumably? When the memo was sent.

Miss Corlett: I am absolutely sure it would have been in response to the Issues and Options document, so it would have been before 14th July, because that was when the closing date for submissions was. But I can provide that for you.

Mr Karran: Where else, in the Braddan Plan, were there private and confidential submissions from the likes of Dandara and Braddan Commissioners, other than Area 14? Were there any other developers put anything in private and confidential?

Miss Corlett: Nobody put anything in private and confidential, but there were submissions by a number of developers for different sites throughout the Parish.

Mr Karran: But they were not private and confidential?

Miss Corlett: They were all treated as private and confidential.

The Chairman: I think we have had evidence to say that.

Miss Corlett: All the submissions were treated the same, but there were submissions by other developers.

The Chairman: We are going over the same ground now. Okay, Peter, final point.

Mr Karran: So, I asked the question of Mr Vannan: you have never done any private work to advise Dandara or have been offered any employment by Dandara Group?

Miss Corlett: I certainly have not. No.

Mr Karran: Good.

Miss Corlett: Are you suggesting that I have?

Mr Karran: No, I am asking the question to you.

Miss Corlett: Well, the answer is no.

Mr Karran: That is good. For the record.

The Chairman: Right, we will have questions framed in a temperate manner. We will move on. Mr Downie, please.

Mr Downie: Miss Corlett, during Mr Rimington's submission to us he indicated that he held an inquiry himself into this issue and the decision to do this was an apparent loss of confidence within the executive of the Department.

Miss Corlett: I was not aware of that.

Mr Downie: Right. Were you, at any time, interviewed by Mr Rimington?

Miss Corlett: No.

Mr Downie: Right. A lot of the basis for his supposition and his statement of case are provided in the document that he set out before us.

Miss Corlett: I think the word, 'supposition' is very relevant because, as I said before, he did not ask me any of the things that he says he thought I was thinking. So they are pure supposition on his part.

I have to say, I was very disappointed to read some of the things that he had said in the paper, because he had not ever said anything to me about any of this. I found it quite rude, to be honest, to be saying those things without discussing them or even having the courtesy of telling me he was going to say those things first.

Mr Downie: So you would assume, if a Minister was going to hold an inquiry within his Department about certain issues in the planning process, he would have called you and discussed it with you in front of perhaps your line manager or your Chief Executive?

Miss Corlett: Yes. I am very disappointed that he did not.

Mr Downie: Thank you.

The Chairman: I have no further questions, Miss Corlett, so I would like to thank you very much for coming. It may be that in future, as with all witnesses, we may ask you to come back. Up to this point, thank you very much. Your contribution has been very helpful. I will give you the opportunity, if you have any final comment this afternoon, please feel free to make it.

Miss Corlett: No, I was just going to ask you about the information that you wanted about the Derek Lovejoy submission. How do you want me to give that to you? In writing?

The Chairman: If you could submit it in writing to the Clerk, Mr Crellin. That would be excellent. Thank you very much, Miss Corlett.

Mr Downie: Shall we break for two minutes?

The Chairman: Yes, we will have a five-minute break before we ask Mr Hamilton.

*The Committee adjourned at 3.08 p.m.
and resumed its sitting at 3.13 p.m.
when Mr Hamilton was called.*

Administration of the Oath

The Chairman: Our final witness, Mr Hamilton. Good afternoon to you, Mr Hamilton.

Mr Hamilton: Good afternoon, Chairman.

The Chairman: I shall ask our Clerk to invite you to take the solemn Oath.

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

Mr Hamilton: 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 MR R A HAMILTON

The Chairman: Thank you, Mr Hamilton. I appreciate you taking the time to join us this afternoon. Can I begin by asking how long you were Chief Executive and between which dates?

Mr Hamilton: I was appointed Chief Executive with effect from June 1996 and I retired on 7th November last year, but my last day in the office was actually 20th October last year.

The Chairman: On 20th October 2006. During that time, you were Chief Executive of the Department, Chief Financial Officer and –

Mr Hamilton: Accounting Officer.

The Chairman: Accounting Officer, I should say. I beg your pardon. Accounting Officer and responsible for advising the Minister of the day.

Mr Hamilton: That is correct.

The Chairman: Just to confirm that during the lifetime of the Braddan Plan, there would have been four Ministers?

Mr Hamilton: Five.

The Chairman: Five Ministers. You were responsible for advising those Ministers?

Mr Hamilton: Indeed.

The Chairman: Could you, just to help get us underway,

outline your recollection of the events during that time and your involvement as adviser to the Minister in the Braddan Plan process, bearing in mind, of course, ultimately, that Minister Rimington made the decision to withdraw the Plan altogether, just a matter of months before your retirement last year.

Mr Hamilton: Well, maybe I could preface my remarks by saying that the work on any Area Plan or Local Plan is carried out in the Planning and Building Control Directorate. The Chief Executive has no involvement in that work. The only time that the Chief Executive becomes involved is if the Director of Planning of the time wishes to raise a particular matter with him, for guidance, or if a matter comes before the full Department, for a formal decision.

So, my involvement was very much at arm's length, in relation to the journey that this particular document took, from its beginning in mid-1999 according to my records through to the date when the Minister, Mr Rimington, decided that it was unsafe to proceed.

I was aware and saw copies of the various documents – Issues and Options documents, draft Plans and things like this – all the way through, but I had no input into the formulation of those documents, except where the Minister of the day might ask me for a view on a particular issue. My view is and always has been that the principal adviser to the Minister on planning matters is the Director. I do not cut across that. I have not got the professional qualifications to do so, in any case.

It is my view that if he wanted any planning advice, he would ask the Director and, normally, when a matter would come before the Department, where the Department was called upon to take a decision and, at any stage in the process, it would be the Director who would be overseeing whatever advice was given or giving that advice personally to the Minister and Members.

The first knowledge that I had of what was happening, in relation to the evolving documents, came in August 2000, when a copy was sent to me of a memorandum that Sarah Corlett wrote to the then Director of Planning, Mr Vannan. In that document, she referred to a previous discussion, which I think had been held only a matter of days before, or maybe even the same day, confirming that it had been agreed between the two of them that she would take no part in any decision making in relation to the Mount Rule area.

At about the same time, within a matter of days of that, I was aware also – because, again, I saw a copy of a memorandum – that one of the Department's executives who prepares the agenda for the Department meetings asked Sarah Corlett for some information in relation to the evolving Braddan Plan and she made a point of saying in her written reply to the Department executive:

'I would prefer to wait until the Director of Planning and Building Control has returned from his leave as he has been involved in the preparation of that part of the Plan which relates to the Mount Rule area where I live.'

– which confirmed a consistency in the approach by Miss Corlett. The Department was informed of that, at the time: that Sarah Corlett was not dealing with that particular area.

The next thing I can recall, the Department was invited to consider the various site allocations and that was at a meeting – my record says it was on 11th October 2000. At that Department meeting, it was agreed that the Department

would make a site visit and view the various sites – a certain number of sites where there seemed to be an issue that the Department wanted to have a look themselves, rather than just accept what was being said, in the way of the oral and written advice. It was also stated, at that meeting, that when that site visit was made, Barry Vannan, the Director, would go on the site visit and he would deal with providing any advice or any explanations required in relation to the Mount Rule area.

As it happened, that site visit was delayed because, at that time, the Water Authority's submissions relating to the provision of water supply in that area had been delayed, and so it was decided to delay that. I believe that the Water Authority's submission was received the following January 2001. The site visit: I have not got a date for it, but it followed shortly after that.

On the day the site visit was carried out, my recollection is that Barry Vannan, the Director, was indisposed and another planning officer went on the site visit and dealt with the sites in the Mount Rule area.

I think that site visit may have been carried out in March 2001, but I have not got an actual date for it.

Then, the Department considered the draft Plan in January 2001 and agreed to issue the draft document. The Commissioners, in May 2001, decided to hold a public meeting, which was at the Mount Murray Hotel in Santon. I attended that meeting, purely as an observer, because I was interested to see how the meeting was conducted and because I knew that the Commissioners had asked Sarah Corlett, as the main forward planning officer for the Department, to assist with any explanations, from a professional planning point of view, that anyone might raise at that meeting. It was a meeting open to Braddan residents. So, I went along to that meeting.

I should say, in relation to the way in which the Braddan Commissioners decided to conduct themselves in their consideration of the Braddan Plan, it was very unusual, in my limited experience, because the Chairman of the Commissioners, Mr Gawne, and his fellow Commissioners were adamant that they would not form any view or make any view known until they had seen and were aware of the views of the residents of Braddan.

They made the point of saying and this is referred to in a letter of reply that was sent to the lady... I think her name was Hodgkinson or something. She was the secretary of the Braddan Residents' Association. She wrote in querying this particular point and I remember seeing a letter that was sent back to her by way of reply, pointing out that Braddan Commissioners had taken this view that they would not come to a view because they did not want to come to a view and then be seen to be influencing the residents of Braddan. They wanted the residents of Braddan to come to their own view and the Commissioners would then subsequently submit their views to the Department. That was very unusual, but that was the way they decided to do it.

I took the view that, at the time, knowing that, really that was a matter for the Commissioners and even if their views came in late, as the principal local authority, the Department was duty bound to consider whatever views they submitted, even if they came in a bit late, because the local authority is obviously a key player in drafting any Area Plan. So that was what happened at that time.

I would say, in relation to what I have heard and what I have read and what I experienced at the time, that the

Commissioners, the elected members of the Commissioners were very definitely in control at that time and took a very firm personal interest in the drafting of the Issues and Options and draft Plans for the area. When the Clerk was submitting views, it was my view – and I did not see all the submissions – that he was conveying the views of the elected members and not his own views.

The Department agreed a second draft of the Plan, round about September 2001, and it went to the Department again at that time. That was published, I think, in October 2001 and the public's views were, again, invited at that stage. A modified Braddan Area Plan was published, I think, in February 2003, prior to going to the Public Inquiry which was in June 2003. I was aware, obviously, from what I have said, that the Planning Officer concerned did the proper thing in raising the fact that she felt there could be a potential conflict of interest in relation to the area around where she lived. The Director of Planning at the time took a decision that she should continue to work on the Braddan Plan as a whole, but that she should not deal with that particular area.

I was not aware of any other issues and I suppose, to an extent, it went to the back of my mind, because there were no other issues raised in relation to possible conflicts – not until a couple of days, I think, before the Braddan Inquiry opened.

I think the Director of Planning, from memory, because he told me at the time, was made aware a couple of days before the Inquiry that one of the parties was raising an issue of bias or potential bias. Then on the day after the Inquiry, another party raised a question of potential bias or perception of bias, but between 2000 and June 2003, I was certainly not aware of anyone raising any issue about possible bias. I hope that is helpful to clarify that point.

In January 2004, a formal complaint was lodged in relation to the involvement of the Planning Officer and that was alleging a perception of bias. That was investigated independent of the Department. Once that complaint had been lodged, all those papers were handed over to the Chief Secretary's Office which then took care of it from them on. I had no further involvement in that.

In February 2004, because these issues had been raised, I asked the Director of Planning and Building Control to carry out research, just to find out precisely what involvement at the various stages the Planning Officer concerned had had in formulating the various documents. He agreed to undertake that work. I considered it entirely appropriate to ask the Director of Planning and Building Control because he is the principal planning adviser and he is also responsible for the work of all staff in the Planning and Building Control Directorate. The reason that I asked him to do that was that he could let me know, advise me, as to just what her involvement had been.

The complaint that was made was then investigated by someone from the Department of Education, someone independent of my Department, and that person submitted a report. I think it was round about March 2004, but I understand – although I have seen nothing to confirm this – that the complainant was not happy with the findings of that independent person.

Subsequently, I was contacted by Mr McGreal and that was in June 2004 asking me to give him access to various Department files. This came as a bit of a surprise to me, because I did not know he was going to be involved in anything. As far as I was concerned, the matter was closed.

I then made some enquiries of the Chief Secretary who told me that he had been appointed to carry out a fresh investigation.

The next thing, really, that happened was that the Department, in round about September 2004, met and considered the Inspector's Report into the draft Plan. It was about that time, again September 2004 – in fact I have the date here – it was 13th September 2004 – that I sent a memorandum to the Director of Planning and Building Control regarding this matter and stressing the importance of ensuring that matters raised on behalf of Baccarat Limited were properly considered by the new Minister and new Members, especially in relation to Areas 1 to 4, that is the land at Camlork and Area 7 which is a piece of land opposite Coronation Terrace at The Strang.

I also confirmed in that memorandum my view that it was important for the new Department to consider and endorse or alter the whole of the draft Plan: complete a fresh consideration of it, not just those areas where specific site visits were to be carried out by the new Department.

Mr Downie: Can I just stop you there.

Mr Hamilton: Certainly.

Mr Downie: Can you tell me who advised you do that or where you – ?

Mr Hamilton: I took that decision.

Mr Downie: You took that decision.

Mr Hamilton: Yes.

Mr Downie: Who was the Minister at the time?

Mr Hamilton: In 2004, I think that was Mrs Crowe, probably.

The Chairman: She was until July 2004.

Mr Hamilton: She would still be there at that time.

Mr Downie: So you discussed this with her?

Mr Hamilton: No.

Mr Downie: Why did you not discuss it with her?

Mr Hamilton: It was not necessary to discuss it with her.

The Chairman: We will come back to this point, Mr Downie.

Mr Hamilton: As Chief Executive of the Department, I was advising a member of staff of the care that needed to be taken, now that a new Department was in place with a new Minister, to make sure that the new Department – because the new Department was going to have to take the matter to Tynwald, at some stage – was entirely happy with the content of that Plan.

Mr Downie: But you told me in your opening remarks

that you had no involvement with planning, which I do not agree with. You are responsible for policy and this document that you see is your Department's document. When you make a recommendation for that to go to Tynwald, you, with the Department, are supposed to sit down and endorse that and make sure every –

Mr Hamilton: No. The Chief Executive is not required to endorse that document at all.

Mr Downie: As a policy, you are normally at that meeting when that –

Mr Hamilton: I will be present at all the meetings as I have said, but that document is not endorsed by me. It is not my document. It is the Minister's and Members'. I am not the Department.

Mr Downie: So, you work outside the Minister and Members of the Department?

Mr Hamilton: Mr Downie, that is not what I said. I advised the Minister and Members but that is a document endorsed by the Department. The Department is not me. The Department is the Minister and Members – or more especially, it is the Minister sitting with his Members. That is not my document. I do not endorse what is in that document. The Minister and Members do and the principal input on policy advice in relation to that document, as I have said, comes from the Director of Planning and Building Control.

Mr Downie: So, your role, really, is irrelevant then?

Mr Hamilton: Well, you might say that. I would not say that.

The Chairman: Right, Mr Downie.

Mr Downie: I have more questions in a minute.

The Chairman: Yes, that is fine. I will let you resume your presentation.

Mr Hamilton: Thank you, Chairman.

So, I was giving a steer to the Director of Planning and really stressing that if the new Minister and Members, as would be the case, would have to take this matter to Tynwald, they had to have their own ownership of the document. The fact that a previous Department had endorsed and come to certain decisions in relation to that document really was a thing of the past. The new Minister and Members had to be happy, before they brought it to Tynwald, that they were happy and content that the policies in there, they had ownership of it. That is the point I was making to the Director of Planning and Building Control in that memorandum: that it had to be a fresh consideration of the policies that were in there.

Mr McGreal reported, as has been said, in November 2004 and you have already said, Chairman, what the findings were, but he basically said that there could be a perception of bias because she resided in the parish, but the Department took the view this did not necessarily invalidate the plan and that is why it was necessary to be absolutely sure before coming to a

firm decision that we knew exactly what the involvement of the Planning Officer had been in the earlier stages. That was the purpose of the research that was being carried out.

I have to say that I had some serious concerns about the findings of the McGreal Report because of the wider implications of his findings. I put these in writing, with other matters, in a paper to the Department on 1st February 2005.

Mr Downie: Have you a copy of it?

The Chairman: Yes. We will come back to that.

Mr Hamilton: I can provide a copy if you have not already got one.

The Chairman: I have a number of questions about the document you are referring to, so we will come back to that.

Mr Hamilton: The Department decided, in about February 2005, following consideration of the McGreal Report, that really they should or someone on behalf of the Department should at the earlier stages have explained to the various interested parties just what steps had been taken to deal with this possible conflict of interest or perception of bias.

I was asked to write a letter to the various interested parties, which I did in February or early March 2005, apologising on the Department's behalf that they were not informed that the Director of Planning was dealing with matters in the Mount Rule area for example and also that once the actual complaint alleging bias had been made at the Public Inquiry, from that stage on, the Director of Planning had taken over the whole Plan and the Planning Officer concerned had no further involvement attached from that stage on. That was explained in a letter of apology that was sent on behalf of the Department which I signed.

Mr Carnson was appointed by the Chief Secretary to look into a second complaint which I have referred to and he was appointed in June 2005.

In April 2005, I made Miss Corlett aware that I had asked the Director to carry out research and the reasons why that research was being carried out, so that we were clear about her involvement in the earlier stages. I made the point of saying to her that only when the research had been completed, could I advise the Department and could the Department take a view about the possible impact or the real impact of the McGreal Report findings on the emerging Braddan Plan.

At the beginning of October, I think it was 4th October 2005, Mr Henry Kennaugh, who I understand is a principal in Baccarat Ltd, called at Murray House and he met with the Minister, Mr Rimington, and in my absence, with the Deputy Chief Executive, Mrs Mellor. I do not know whether that was a pre-arranged meeting or whether he came in on spec, but he had a meeting with them on that date.

He raised concerns about sales of land, namely Area 7 which is the land opposite Coronation Terrace and Area 14 which is the land at Mount Rule. He pointed out that one deed of sale showed that Mr Lewin had sold Area 14, the Mount Rule land, in December 1999 for £278,250 to Dandara or one of its subsidiaries. On my return to the office, the Minister made me aware that this had happened, but the Minister

and Mrs Mellor, because they had had the meeting, took that matter forward. I had no further involvement in that particular matter.

The Chairman: That was the first time you became aware of that particular land sale?

Mr Hamilton: Prior to that, I had no knowledge of any land ownerships in the area and it was not long before that that I had found out for the first time where Miss Corlett lived. I did not even know exactly where she lived. I knew the general area, but I did not know exactly where she lived.

Mr Downie: But you made reference early on to the memos that you received in 2000 and 2001, explaining the need for Miss Corlett to be removed.

Mr Hamilton: Referring to the Mount Rule area. But I did not know –

Mr Downie: But you must have known where she lived because you had memos indicating where she lived.

Mr Hamilton: I am sorry. I am giving evidence under Oath. I did not know. I knew the general area. I did not know which residence she lived in. The memos do not point to her address. I did not know her specific address.

Mr Downie: There are only two houses there.

Mr Hamilton: There are more than two houses at Mount Rule.

Mr Downie: There are only two –

The Chairman: I think, Mr Downie –

Mr Hamilton: I did not know her address.

The Chairman: Mr Hamilton has given his answer. He did not know precisely where Miss Corlett lived.

Mr Hamilton: I just knew it was the Mount Rule area. That is all I knew and that is all the memorandum referred to.

It was in October 2005 that Mr McCauley produced a draft report, an interim report, for the Minister and submitted to the Minister on the research he had carried out up to that point. It was my understanding, at the time, that was work in progress really, it was not a final report.

The Minister, as has been said earlier, was not entirely happy with that report. He did not feel it had gone far enough, but I think my understanding, certainly at the time, was that that was not work completed.

In fact, if my memory serves me correctly, the Minister actually pressed Mr McCauley to hand to him where he was up to at that date with his research. I think that is how that came about.

The Chairman: This is the report that you commissioned earlier in the year?

Mr Hamilton: I asked him to carry out the research and it was a report into his research.

The Chairman: It was your view, in that report, at that time, that it was not the report in its final form that you would have expected to see?

Mr Hamilton: That was my understanding. I believe, from my recollection, that Mr McCauley was pressed by the Minister to give him the report so far and that Mr McCauley had not finished fully his research. I stand to be corrected on that but that was my understanding at the time.

I think that really summarises my... I do not want to go on too long. That really summarises the involvement that I had in the Braddan Plan process.

The Chairman: Right, thank you, Mr Hamilton. I think we will come back on one or two points. The memos you referred to: the one to the new Department when Mr Rington took up post inviting the new Department to revisit the views on the Braddan recommendations prior to finalising what was to go to Tynwald.

Mr Hamilton: That is correct, yes.

The Chairman: If we could have a copy of that memo, please, for our file and also to Mr Crellin. Also, the one regarding the McGreal Report that you referred to.

Can I ask, the memo to the new Department that you said specifically asked them to look at Camlork Areas 1, 2, 3 and 4. Why did you highlight that area as something that they would wish to look at, having been to Inquiry?

Mr Hamilton: From recollection, it was because just before that, one of the interested parties had submitted a letter and I cannot remember whether it was submitted to... I think it was submitted to the Director of Planning and it referred specifically to those areas. I was basically saying we need to have a completely fresh look at those and all the other areas because it had been queried by one of the parties.

The Chairman: Was this to do with the allegations of bias in respect of those areas?

Mr Hamilton: I am afraid I cannot remember with that precision. All I can remember is that, just before that, there was a letter that came in. I think it was from a lawyer acting for one of the parties, from memory, but I cannot remember any more detail about that.

The Chairman: Was that because they were dissatisfied, clearly, with what the Braddan Inquiry's conclusions had been?

Mr Hamilton: They were querying the designations and making – from memory and it is a while ago now – and arguing that the designations were wrong, I think. I was saying, 'Right, well, those pieces that have been specifically raised and queried, we need to look at those afresh and all the other areas, so the new Department takes a completely new view.'

The Chairman: Was that on the basis that somebody had written to the Department; they were aggrieved at the findings of the Inquiry? Would it not have been normal to anybody, after an inquiry making such representations, to be told the opportunity for comment to the inquiry is now passed,

there will be a future opportunity, when the Department has reviewed the documents and the recommendations and made any modifications to the recommendations, an opportunity at that point for public comment?

I am just wondering why you would not have left consideration of these Areas 1, 2, 3 and 4 at the invitation of this correspondent, not referred that to the future process that would have had to take place? Why you were inviting the Department to look specifically at that issue at that time?

Mr Hamilton: It was because one of the parties was dissatisfied and had written in and I do not know exactly what that letter said now. I just remember there was a letter that came in and it referred specifically to those areas of land. I think the letter might have been copied to me which is maybe why I saw it, but I do not think it was addressed to me. I think it might have been addressed to the Director, but it might even have been addressed to the Minister. I cannot remember now. Because those particular areas had been referred to, I was asking the Director of Planning to make sure we look at these carefully and the new Department looks particularly at those ones that had been raised as a query.

The Chairman: Right. Thank you.

Mr Hamilton: It is unusual when you have got to that stage for someone then to write in and make further comments, but that is what happened.

The Chairman: Indeed, and given, in your Department, the fact that they were being invited to look at the particular issue which had been the subject of public consultation for three, four years previously and tested at Inquiry, why the Department was being invited to look specifically at those areas.

As a new Department taking your advice, naturally it would do so in the belief that there was an issue here that really had to be looked at very carefully. That, would it not, have flagged up suspicions immediately by the new Minister or Department that there was something amiss?

Mr Hamilton: This was not a memo that went to the Department. This was a memo to the Director of Planning saying, 'These issues have been raised. Please make sure, when you are looking at these, that these are particularly addressed before the Department considers it again.'

The Chairman: Oh, I understand.

Mr Hamilton: That was the point. It was not advice to the Minister.

The Chairman: And the complaint of bias raised at the Inquiry, did that prompt, in your mind, a requirement to revisit issues which had been before the Inquiry? Clearly, it had the result of a direction by you to the Director of Planning to review the Planning Officer's involvement, to establish whether the alleged bias was born out. Can you just confirm that that was your response to the complaint? There was a written complaint made. I assume that was at the time of the Inquiry. Is this the same complaint?

Mr Hamilton: One was made on the day of the Inquiry after the complainant had already given evidence to the

Inquiry. He gave his evidence and after he had given his evidence, he raised this issue of a perception of bias.

The other matter that was raised on the day of the Inquiry was one that the Director, I think, had been given foreknowledge of a few days before. That was in relation to a different complainant and the two complaints were dealt with slightly differently.

The Chairman: Yes, and they were both being investigated and concluded, although the latter one will not be within your knowledge at this time because –

Mr Hamilton: It was one that I think – I do not know – but it was still ongoing when I left the Department last year, so I do not know what the current position is.

The Chairman: Yes, that is fine. When Mr Rimington had asked for a review in his request of October 2005, all the correspondence and e-mails from the Clerk to and from Braddan Commissioners and the Braddan Plan to the Department from 1999 to summer 2004. He asked for that and at that time Mr McCauley had produced what was an interim report. Mr Rimington concluded that that report had no analysis or conclusion.

We have evidence from Mr McCauley that, as far as he was concerned, it was to review the existing documentation. Would you have expected an analysis, a conclusion and a recommendation?

Mr Hamilton: I asked Mr McCauley to research the matter and to let me have a report setting out exactly what the Planning Officer's involvement had been. I did not ask him to make recommendations.

The Chairman: It is just that, from that point onwards, it appears Mr Rimington made the decision that a full investigation should be made. He told us that, with hindsight, he thought it was inappropriate for the Director to be asked to investigate the conduct of officers with whom he had a working relationship. He asked how was he expected to investigate a plan process which he had taken ownership of, however belatedly?

That tells us that the then Minister was uncomfortable with having the Department follow through the required in-depth investigation. He wanted to satisfy himself that all was well or things were not well. What were they? He took upon himself the question of investigation from that point and looked at what Mr McCauley had produced and then looked at the whole matter: all the documentation, all the reports and all the correspondence and acquainted himself with all the planning matters leading up to the Inquiry and at the Inquiry, to the extent where he formed a very comprehensive analysis of his own on the merits or otherwise of how the Braddan Plan had been determined. He made himself a planning expert, if you will. This is my perception.

My question is, how did he involve you? How did he involve the Director of Planning and did he involve the Planning Officer? We have just heard from the Planning Officer that he did not consult her at all. My question is, as Chief Executive and his main adviser, to what extent did he take you into his confidence or indeed ask for your advice during this investigation?

Mr Hamilton: I did not know he was carrying out the research himself. He never told me that he was doing that and

I was not aware that he was doing that – not until he came to the point where he was producing a draft report himself. He showed it to me and discussed it with me at that point, but I was not aware that he was carrying out that research.

The Chairman: But he sent a memo on 10th October which said, ‘I would like to review all the correspondence which I presume will include a volume of e-mails from the Clerk to inform the Commissioners,’ etc. The bit I read out. This is in his evidence to us. It does not say to whom that memo, that e-mail, was addressed. So, presumably, it was not you?

Mr Hamilton: It was not me. I do not know who that was addressed to, whether it was addressed to the Director. I cannot think it would be addressed to anyone other than the Director, but I do not think it was addressed to me. I was certainly not aware that he was carrying out this research himself, until he came and said what he had been doing.

The Chairman: If it had been to the Director, that was quite a significant request. Whichever officer it was addressed to, would you have expected that officer to raise it with you?

Mr Hamilton: If he knew about it, yes, but I was not aware of it.

The Chairman: That there had been a memo?

Mr Hamilton: I do not think I was aware of that, no. I do not remember being aware of it at all. The first I remember was when the Minister actually spoke to me about it, when he had completed his research and a draft report.

Mr Karran: What date was that, please?

Mr Hamilton: I cannot tell you off the top of my head.

Mr Karran: Thank you, sir.

The Chairman: It is the 10th October 2005 e-mail. I do not know, Les, whether we have got that on file anywhere, but we must get a copy of that particular e-mail and see who it was addressed to, because clearly it was not Mr Hamilton.

Mr Karran: Was it October 2006 or 2007?

The Chairman: October 2005.

Mr Downie: He is asking why the investigation is taking so long.

The Chairman: It followed 4th October 2005 meeting with Mr Kennaugh that has been referred to, so it was a week after that. I think we can presume that what Mr Kennaugh had to tell the Minister... would it possibly have gone to Mrs Mellor, as she attended on your behalf?

Mr Hamilton: Well, because I was absent that week from the office, she was the one who was with the Minister when the Minister met Mr Kennaugh. As I said before, the Minister made me aware of, in broad terms, what Mr Kennaugh had told him, but I was not involved from that point on, so it is

possible that this was a request made to Mrs Mellor but I was not aware of it.

The Chairman: We will check that.

Mr Hamilton: I am 99 per cent it was not copied to me.

The Chairman: When did you become aware that he had asked for this investigation, because the culmination of that investigation is what caused them to withdraw the Plan?

Mr Hamilton: Well, it is a bit difficult, I think, for me to answer that because I had asked, in the February I think I said it was, the Director to carry out research. There was a subsequent Department meeting when I made the Department aware that this research was being undertaken and the Department confirmed the request for this research to be carried out. I do not think I have got the actual date here when that was.

The Chairman: There was the 9th March 2005 Department meeting whose minute records that the Chief Executive advised that further advice had been received which indicated the McGreal Report would have implications and that you had asked the Director of Planning to review previous files, etc.

Mr Hamilton: I confirm that I had already asked them to do that. Yes. The e-mail that you are referring to is something different because the research was already being undertaken. I think the Minister was becoming a bit impatient that the research was taking as long as it was, but it was purely down to pressure of work on the Director of Planning. There were so many things going on at the time that he was not able to devote sufficient time to it. I discussed the progress of that research with the Director on a monthly basis throughout that period, but he just had so many other things on that the progress was quite slow.

The Chairman: Okay. So, can I ask then, from the time in October 2005 that Mr Rington started investigating, himself, the Braddan Plan process and reviewing all the correspondence, etc, until the point where he made the decision and announced in July 2006 in Tynwald that the Plan would not be going ahead, he had no discussion on this subject with you? He must have reported at the Department?

Mr Hamilton: He did speak to me about his emerging thinking in relation to the documents, in the light of the information that he now had, following the research he had carried out, but up to the date of Mr Kennaugh coming into the office... put it another way, I think Mr Kennaugh, when he came into the office made the Minister aware of new information that caused the Minister new concern and heightened the need for a conclusion to be reached.

The Chairman: The deed of sale of Area 14.

Mr Hamilton: That was information that I am sure the Minister did not have previously and I certainly was not aware of previously. That was new information which caused alarm bells to ring a bit and to say we need to get to the bottom of this and find out just what has been going on.

The Chairman: Okay. It was very evident that with the withdrawal of the Plan, after considerable man hours and expense and so on, this was a very serious step and the Minister considered it unsafe and would not withstand Tynwald or legal scrutiny. So, it was a very serious matter indeed. I just wonder how he arrived at that decision in isolation from seeking your advice?

Mr Hamilton: He came to me and said words to the effect, 'I have looked at all this, this is what I have found out. I am strongly inclined to withdraw the Plan. What do you think?'

The Chairman: And what was your view and what was your response to that?

Mr Hamilton: My view to the Minister; my advice to the Minister was that he was the person that was going to have to take this matter forward to Tynwald, at the end of the day. The information that he had now raised and was showing to me was such as to lend very strongly to the point of view that if the Plan went forward in its present form, it was vulnerable to legal challenge and it was certainly... I felt he was right to take the view that it would be very tricky to steer this matter through Tynwald, knowing what he then knew.

The Chairman: Thank you. Just reverting to my earlier question as to whether you knew who that e-mail of 10th October was to, that question was put directly to Mr Rimington on 19th July in this room and the answer was:

'That was to the Director of Planning and obviously that would be copied to the Chief Executive and probably the Deputy Chief Executive as well.'

So, you did not get that copy?

Mr Hamilton: Well, I am not saying that. I am saying I cannot remember it at all, and I would like to see it, before I accept that it was copied to me.

The Chairman: Yes. Okay. That was just for the record, that was where the e-mail was directed.

Given the seriousness of the issues and the behaviour of Braddan Commissioners and other issues causing the Minister to withdraw the Plan, would you have expected... he obviously considered the actions of the local authority in carrying out its functions to be deficient in some way. The Department obviously had powers to intervene in such circumstances.

Would you have expected to be called upon or, if you had been party to his thought processes, would you expect to, at some point, be advising him, 'Look, we have powers we can exercise here on the affairs on Braddan Commissioners to investigate specifically any alleged impropriety, non-declaration of land sales and so on and so forth', and actually take action appropriate to having doubts about whether the Braddan planning process was valid?

Mr Hamilton: At the time, the Department's powers were fairly limited. The Minister did discuss with me the issue about potential conflicts of interest, particularly in relation to the Clerk to the Commissioners as to whether he had or should have declared an interest, as to whether he had or should have withdrawn from meetings when these matters

were discussed. They were matters that were drawn to the attention of the Commissioners. The Commissioners, from my recollection, did not seem to appreciate the seriousness of those issues and seemed to be almost unwilling to do anything about it.

There was another example I could give you. There was a Manx Radio phone-in programme, a Sunday programme, I think, round about this time – I could not give you the exact date – where Mr Lewin, the Clerk to the Commissioners, was on the radio and dealing with some quite important issues, I think, to do with the investigation into Braddan. He gave the impression and certainly did not say anything to give a contrary impression that he was actually speaking on behalf of the Commissioners. When this was raised with the Commissioners as to whether they had authorised him to be on the radio, to speak on their behalf, saying to them, 'Do you realise that anybody listening to his comments on the radio would think that they were your views, even if they were not?', the Commissioners did not seem to appreciate the significance of that and did not do anything about it. As far as I know, they did not do anything about it.

So, the local authority, although matters were drawn to their attention, did not seem to think it was sufficiently important or whatever to take any action.

The Chairman: Thank you very much. I know we are pressed for time, but I do want to give adequate time. Mr Downie.

Mr Downie: If we stick to the topic that we have just discussed, Mr Hamilton, where you said that following the meeting with Mr Kennaugh and Baccarat, where it was divulged at that meeting that the land identified as Area 14 had been sold by Mr Lewin, I think to Dandara, what exactly did the Department do about that? Did you call a meeting with Braddan Commissioners to get an explanation of what had happened, or...?

Mr Hamilton: No, the Minister decided that he would pursue it internally by researching into these matters and I do not think a meeting was called with the Commissioners. The Minister said he would deal with it personally through the Local Government Unit.

Mr Downie: But really, we have had the benefit of a lot of information. There is nothing to preclude the Clerk making a declaration. It is not covered under the Act. It is now, but it was not then.

Mr Hamilton: The legislation has been changed, but at the time there was no legal requirement –

Mr Downie: Correct.

Mr Hamilton: – but nevertheless, I would say that he should have declared an interest.

Mr Downie: And we have seen documentation which indicates that the Clerk advised the Commissioners back in 1990 that he owned this land.

Mr Hamilton: That is not something within my knowledge.

Mr Downie: I am surprised that an issue like this

could not have been resolved by getting the Clerk of the Commissioners in and the Chairman and saying, these are allegations that have been made with regards to the Plan. Why was something like that not done, rather than just have the whole lot blow up and then lead to the withdrawal of the plans? You would have got the answer, surely?

Mr Hamilton: The conduct of the affairs of the Commissioners is a matter for the Commissioners, not for the Department, and it is up to the Commissioners who employ the Clerk to make sure that things like that are dealt with properly.

Mr Downie: But you had a complaint made to you.

Mr Hamilton: I did not have the complaint made to me, no.

Mr Downie: Well, who had the complaint been made to, then?

Mr Hamilton: Sorry, which complaint are you referring to?

Mr Downie: The complaint from Baccarat.

Mr Hamilton: Oh, sorry, I thought you were talking about 1990.

Mr Downie: No, no, we are talking – what I was –

Mr Hamilton: You just referred to 1990. I thought you were still talking about 1990.

Mr Downie: When there is a clear indication that the Clerk made a declaration to the Commissioners that he owned land.

Mr Hamilton: I was not aware that he had.

The Chairman: I think what you are saying is –

Mr Downie: That Baccarat –

The Chairman: – in October of 2005 when Mr Kennaugh met the Minister and Mrs Mellor on your behalf, the issue, the substance of the complaint was, was the Department not aware that the Clerk had sold land in 1999 and this showed clear – well, potential – bias, and undermined everything that the Commissioners may have said in relation to the Braddan Plan? That is the implication of it. Mr Downie is saying at that point, was it not open to the Department to exercise its powers to sit down with the Clerk and get to the bottom of this particular allegation?

Mr Hamilton: Not with the Clerk, but there were an awful lot of things going on in the Department at the time in relation to Braddan Commissioners, as I am sure you are aware. There were various other complaints and investigations. The Department was unhappy in relation to several matters that the Commissioners were dealing with and in fact the Minister was corresponding direct with the Chairman of the Commissioners about some of these matters and I think there may be records of him raising this particular

issue with the Chairman of the Commissioners.

Mr Downie: We have sent for all the correspondence and to date, there are still a few black holes. Those who are in the room from the Department, they should be noting that.

Mr Hamilton: I am just working from memory. I have not got all those files at my fingertips.

Mr Downie: So when these complaints started to come in then – you have had two complaints about staff – do you think it is appropriate that the Minister should be dealing with staff matters and –

Mr Hamilton: No.

Mr Downie: – and launching an inquiry?

Mr Hamilton: No, I do not.

Mr Downie: So who was the responsible person, then, to deal with the inquiry?

Mr Hamilton: Under the complaints procedure which the Department operates, the complaints are addressed to the Chief Executive. It is up to the Chief Executive then to arrange for an appropriate person to investigate the complaint to see whether there is any substance in it and in light of the findings of the investigating officer, either to take no action or to ensure that appropriate action is taken.

Mr Downie: Mr Rington in his evidence to us here, intimated that he was not satisfied with the way the Department handled the investigation into the Braddan Plan, hence the three-and-a-half-years delay and that was the reason he went off and did his own thing, as it were, and started his own investigation.

Mr Hamilton: I would query your statement there, because it is not what I would understand to be the case.

Mr Downie: In what way?

Mr Hamilton: You mentioned a period of three and a half years there and the Minister being dissatisfied –

Mr Downie: There is a time-period, in fact –

Mr Hamilton: Can you tell me precisely what Mr Rington said, because I would be interested to know?

Mr Downie: You received an interim report from Mr McCauley on 12th October 2005 and then, again, there was no further investigation took place. In fact that inquiry was requested, I think, in either 2001 or 2002, and it took nearly three years to bring that information to fruition.

Mr Hamilton: I do not think that is right.

Mr Downie: Yes, we have got it here somewhere.

Mr Hamilton: It was on 4th February 2004 that I asked the Director of Planning to carry out the research, 4th February 2004, and –

Mr Downie: You received an interim report on 12th October 2005 and –

Mr Hamilton: That is not three and a half years.

Mr Downie: Well, there is still no further investigation taking place and we are in August 2007.

Mr Hamilton: I obviously cannot comment for what has happened since last October.

Mr Downie: Oh, but I mean –

Mr Hamilton: There was a long delay, as I have explained, in Mr McCauley completing the research because of the other pressures on him.

The Chairman: I think that was acknowledged by Minister Rimington, with the pressure the office was under.

Mr Hamilton: Yes, and when Mr Rimington received the interim report, that was round about the time that Mr Kennaugh came in, I think. I am trying to remember the dates now, but... it was following Mr Kennaugh coming in that he decided he was going to carry out this research of his own.

Mr Downie: That is right.

Mr Hamilton: So I do not know what this three and a half years is that you are referring to.

Mr Downie: It is longer than that if you would actually look at... taking the date –

Mr Hamilton: Sorry, what is longer than that?

Mr Downie: Because we have never actually seen a report.

Mr Hamilton: I am sorry, what is longer than that?

Mr Downie: The report that was requested on the problems within the Braddan Plan and the planning system. There was an interim provided on 12th October 2005.

Mr Hamilton: I only requested that.

Mr Downie: There was no analysis or conclusion.

Mr Hamilton: Yes, but that is not three-and-a-half years, I asked –

Mr Downie: Longer than that, now.

Mr Hamilton: –I asked for the research to be carried out on 4th February 2004. That is not three and a half years.

Mr Downie: When are we going to see the final report? That is the question. That is not for you, because you are gone now.

The Chairman: Yes, Mr Hamilton is no longer Chief Executive and Mr Rimington told us no further investigation

took place following the production of that 12th October 2005 report.

Mr Downie: But Mr Hamilton was still there.

Mr Hamilton: And that was because Mr Rimington decided to carry out this research of his own.

The Chairman: His own investigation.

Mr Hamilton: Yes, but I was not aware of that at the time.

Mr Downie: So how did you know he was carrying out this advice on his own if you were not aware of it?

Mr Hamilton: I have already explained that when Mr Rimington completed that research, he came and talked to me about it. That was the first I knew of it.

The Chairman: I think we have got to that point. Okay?

Mr Downie: Now just one... I have asked you about this letter of apology. Obviously when Miss Corlett was removed from the Braddan Plan, it was decided, for whatever reason, not to note this or tell the interested parties this?

Mr Hamilton: I do not think, no, I do not think that that is quite true. There were two key decisions taken. One was taken in 2000, when she raised with Barry Vannan, the Director of Planning at the time, what she regarded as a potential conflict of interest. A decision was taken at that time that she would have no further involvement in relation to land in the Mount Rule area. That was the first decision.

The second decision was a decision taken by the new Director of Planning in March, or was it June, 2005? Forgive me, let me just make sure I get that right – when the Public Inquiry started, I think it was June 2005? Whenever the Public Inquiry began, anyway. That was the date that the actual complaints were made for the first time by people outside the Department and that was when the new Director of Planning and Building Control decided that Miss Corlett should have no further involvement in the Braddan Plan, per se. They were the two decisions.

Mr Karran: Could you just tell me what was that date again, sir?

Mr Hamilton: I am just trying to remember.

Mr Karran: I do apologise.

The Chairman: It would not be 2005.

Mr Hamilton: Sorry, it was June 2003. That was when the second decision... there were only two decisions, one taken in 2000 and one taken in 2003 by the two different Directors of Planning. There was no conscious decision taken not to inform the residents. What did not happen was that someone did not raise the point and say, 'Well, I think we had better tell the residents of the area that we have taken these steps now.' The two people who lodged the complaints were certainly not informed at the time that, 'Well, we have

got your complaint...’ as far as I know, anyway –

Mr Downie: With hindsight, would not a letter then have clarified the situation and prevented the situation we are in now?

Mr Hamilton: It is easy to be wise after the event. All I can tell you is that no decision... nothing was said at the time. Whether Mr McCauley, at the time, whether he told the two complainants at the time, verbally, that she would have no further involvement, you would have to ask him, I do not know.

Mr Downie: When does the Planning Office do anything verbally? They live by letters and –

The Chairman: That is a rhetorical question.

Mr Downie: Yes, it is, but it is a factual one. Finished, Mr Chairman.

Mr Hamilton: Well, I certainly cannot answer it.

The Chairman: No. Mr Karran?

Mr Karran: Of course, when we talk about these minutes of any local authority, the Department does not have any timed and dated minutes within the local authority for anything that could be produced at a later date. There is no directive by your Department where you would entreat the Chief Executive for a copy of a local authority’s minutes being stored by the Department of Local Government and the Environment?

Mr Hamilton: No. There is no requirement. The only requirement, if I remember rightly, was that a local authority must make the minutes available to ratepayers, once they have been confirmed.

Mr Karran: I just want that for the record.

Mr Downie: Just a point for the record there, there are private minutes which the ratepayers never see.

Mr Hamilton: There is no such thing.

Mr Downie: There are such things as private minutes.

Mr Hamilton: There are certain things, both within central Government and local government, where meetings take place not in public, where policies are formulated and decisions are taken and they are not made public.

Local authorities, for example, if they are dealing with housing allocations and they are comparing the living conditions, personal circumstances of any particular tenants, that is not the sort of thing that would be discussed in public and it would be quite improper for it to be discussed in public, but once they have made a decision that Mrs Jones gets a particular tenancy, then that would be brought to the main meeting of the Commissioners and recorded in the minutes and that is entirely appropriate.

Mr Karran: Shall I go further on? You say that in June 2003 the decision was made that Miss Corlett was to be taken off the Braddan Plan?

Mr Hamilton: Yes.

Mr Karran: You look at some of these substantial written statements that are put... was any of that information, the fact that Miss Corlett was part-author of some of these statements, did that invalidate any of these written statements that have been made for the Public Inquiry of the Braddan Plan?

Mr Hamilton: I am sorry but I am not sure which written statements you are referring to.

Mr Karran: What about the ones...? These are the ones that were done for the Public Inquiry, June 2003. We have had Miss Corlett in, saying that she might have been party to some of them and jointly with the planning officer, but if we then say that in June 2003, that was seen as a conflict, surely these documents should have been withdrawn?

Mr Hamilton: I do not think so. The matter still went to the Public Inquiry. The content of the documents went to the Public Inquiry. That content was as agreed by the Department, so you have a Department meeting, the various options for various parcels of land would be discussed and the Department would look at the pros and cons, would look at the advice available and would come to a view and once they have said yes, that is residential, that is industrial, whatever, someone then has to put that into a form of words to go to the Public Inquiry to reflect the Department’s views.

It does not really matter who writes it; it is the Department’s decision that is being committed to paper for submission to the Public Inquiry, so to me, it does not matter who physically writes it, as long as it honestly and truly reflects the decisions the Department has made. It does not invalidate it.

Mr Karran: But the point would be: obviously most Members of Tynwald or Members of the Department would almost certainly take key significance of what has been put in front of them from their planning officers. You are talking to one of the few that might, who may not be in that situation, but generally, if something is thrown in front of Members of Tynwald –

The Chairman: Are you saying that the Planning Officer would very much lead the political Members –

Mr Karran: Yes.

The Chairman: – lead them by the nose in a particular decision?

Mr Hamilton: I certainly would not put it that way. Over my 40 years, I have attended quite a few Department meetings of one sort or another and Board meetings under the old system and yes, it is true, officers have a duty to present evidence and advice and guidance. That is what they are getting paid for and that is why they are professionally qualified. They put forward their best advice to political Members, who weigh that advice. They do not always accept that advice. They sometimes might come to a quite different view, but the officers would be failing in their duty if they did not make sure proper advice was available and the Minister and Members would be failing in their duty

if they did not give proper and thorough consideration to any advice that they are being given, and come to a view reasonably on the facts.

Mr Karran: Right, thank you for that. The other issue I would like to ask you, sir, is you have mentioned certain documentation that we do not seem to have. Would you be happy to, if it is – ?

The Chairman: I think we have agreed that we will get that.

Mr Hamilton: There are two documents you have asked for. One is the memo that deals with looking at the matters afresh, according to my records, and the other was a memo about the McGreal Report, I think.

Mr Karran: I think the point is, what I would like to ask, subject to my colleague's agreement, in private afterwards, is the fact that maybe letting you see what documentation the Select Committee has got, to make sure we have got all the information, because I have had concerns –

Mr Hamilton: I am afraid if you showed me what you had, I would not be able to say whether or not something was missing. I am sure that the present Chief Executive would be able, if he was given it, to confirm either that is a complete file, or there are things missing from it, but I would be very, very surprised... If you have asked for a file of correspondence dealing with a particular matter, I would be very surprised indeed if you have not got the full file.

Mr Karran: We have got the stuff here that you have mentioned today that we have not got, so, that is no criticism of you, sir, but the point is –

Mr Hamilton: If there are any particular documents that you want to see that you have not already got, your proper course, I would suggest, is to write to the current Chief Executive.

The Chairman: We understand. We will pursue that.

Mr Hamilton: Any documents I have referred to, if you tell me which ones, I am happy to provide you with a copy or arrange for a copy to be given.

Mr Karran: Can I ask, were there any concerns expressed, we had the situation – I think Area 7, was it? – I am just trying to make sure – behind the Strang Stores, the Government was going to get involved in buying the land, and then it did not buy the land. The Commissioners were going to buy the land and then they did not buy the land. We found the same situation around the incinerator plant, where land was going to be bought by the... I do not think... It was not going to be bought directly by your Department but was going to be bought by the Braddan Commissioners, and then they did not buy the land.

Is there any need for any sort of review of policy on those sorts of issues when looking in the planning process, because it does seem to conflict and make things a bit difficult that, surprise surprise, Braddan was going to buy this land and, surprise surprise, the common denominator is the issue of one of the biggest developers on the Island ends up buying

the land?

Mr Hamilton: Can I deal with that in two parts? The first piece of land you are referring to, Area 7; am I right in thinking that is the piece of land that is behind the stores, the shop at the Strang?

Mr Karran: Yes.

Mr Hamilton: Until I heard today, I had no knowledge at all that Government had ever had any interest in that and if it was mentioned in my hearing it was 'in one ear and out the other'. I am not aware, I cannot remember, certainly my Department discussing the purchase of that land.

The Chairman: We do have documentary evidence and the evidence of Mr Rimington that the Department wished to purchase the land and had been in discussion with the vendors' advocate in 2002.

Mr Downie: You were there then, weren't you?

Mr Hamilton: You know the dates that I was there.

The Chairman: The Department was not able to raise the finance.

Mr Hamilton: I have no personal knowledge of that.

The Chairman: You have no knowledge of that?

Mr Hamilton: Obviously, over a period of ten years, there are an awful lot of things that happen that you forget and it is not until you look at the files again or you remember, it comes back to you. I cannot remember anything being discussed about the land behind the shop at the Strang crossroads.

The Chairman: It appears ministerial level permission was given informally to the Commissioners that they may wish to pursue the land because Government did not have the wherewithal, at that time.

Mr Hamilton: Right, well, it was said earlier on, and it is perfectly true, that the Department is the Minister and in the Department, with it being such a big and complex Department, a lot of things are dealt with in the different directorates and it is only when something requires a Department decision that it will come forward to a Department meeting, so they are dealt with in each of the directorates.

When Mrs Crowe was the Minister she chaired the Estates and Housing Directorate, so if the Estates and Housing Directorate, with the Minister chairing it, was looking at a particular piece of land to buy, I would not necessarily know about that and it would not need to be brought to a Department meeting because she is also the Minister, so she could have endorsed something about land, but I have no recollection at all.

Mr Downie: But surely you still have monthly meetings when all these areas come together that they are endorsing?

Mr Hamilton: They are not always reported to the

Department, no, especially if the Minister... there are some decisions that are taken by the Minister that do not come to the Department at all.

Mr Karran: Can I further ask – ?

Mr Hamilton: Can I move onto the second one?

Mr Karran: Sorry, sir.

Mr Hamilton: I believe the second piece of land was at the incinerator. I had some recollection, some knowledge, that things were going on there to do with the Commissioners and that there was talk of them buying the land, but I had no direct involvement in that and I must say, in the Department, we were always surprised that there was any suggestion being made that the Commissioners might be going to buy that land. I think, in the end, they did not buy it.

There was talk at one time that the Department should buy that land. I do not think the Department had the funds to do so at the time and I actually cannot remember how that ended up. I believe Dandara did buy it, but I do not even know who the vendor was, but probably Carnane Farms, I would think.

Mr Karran: Can you just explain to the Committee the issue of the land bank policy. I thought it was always a specific amount of money that your Department has, to go out and buy land and is there no – what is the policy on it? Does the Minister just decide this week that she wants to buy land here and not there, then it does not actually go down any Departmental meetings?

Mr Hamilton: Yes, it would. If the Department was going to buy a piece of land, it would come to a Department meeting, but when Mrs Crowe was the Minister, things like that did not come to the Department meeting or did not always come to the Department meeting, because she was the Minister and she could endorse it at the directorate meeting.

Mr Karran: Has it been –

Mr Downie: Can you give us an example of that?

Mr Hamilton: No. I cannot. I am sorry.

Mr Downie: That is a breach of financial regulations.

Mr Hamilton: It is a breach of financial regulations for the Minister –

Mr Downie: You need permission from Treasury to do it.

Mr Hamilton: To buy land?

Mr Downie: Yes. It needs to be endorsed by Treasury.

Mr Hamilton: I was not talking about Treasury or Treasury endorsement. I was saying that the matters like that nature when the Minister herself was chairing the Estates and Housing Directorate, did not have to come to a Department meeting. That is what I said.

Mr Downie: Initially it was –

Mr Hamilton: That is not against financial regulations.

Mr Karran: Before you left –

Mr Hamilton: Sorry, that is not against financial regulations.

The Chairman: Sorry, have you finished that point?

Mr Downie: Yes, I'm just trying to clarify –

Mr Hamilton: You are absolutely right in saying that it then has to go to Treasury. I did not say that it did not.

Mr Downie: The Minister is not autonomous on this issue, it has to have Treasury concurrence to –

Mr Hamilton: I was not talking about that.

The Chairman: I do not think Mr Hamilton is saying that he did not.

Mr Hamilton: No, I was not saying that.

The Chairman: He or she can make departmental decisions.

Mr Karran: Yes, she is the Department.

The Chairman: Mr Downie, we must finish off now.

Mr Karran: Can I just ask one last question? With your views that you expressed in June 2003, has the Department done anything to recognise the issue of other conflicts, such as the fact that if you have got land that local authorities are wanting to buy, Government are wanting to buy, is there any recognition within the Department of Local Government, whilst you were there, or has – obviously you cannot talk about now – that has changed to put safeguards in on that issue?

Mr Hamilton: Sorry, are you talking about conflicts with a local authority?

Mr Karran: Yes.

Mr Hamilton: A local authority has –

Mr Karran: The situation that we find that land might be pushed for designation because the local authority is thinking of buying the land and then, oops, it has gone to somebody else.

Mr Hamilton: The local authorities must act within their statutory powers and providing they act within their statutory powers there is nothing to stop them doing anything, but there are certain particular things where they do require to petition the Department for approval.

Mr Karran: I understand that, sir, but what I was just asking is before you left, there has been no change, before

you left, as far as looking at these issues of people dabbling as a statutory authority, the likes of the local authority or Government, that there should be some clear procedures as far land when there is a planning review of an area and you end up with a situation that this land that you have got an interest in, because you were going to buy it, and it is still in the process of being planning –

Mr Hamilton: The Local Government Act was updated during that period because of issues of this nature. The rules concerning declarations of conflicts of interest were tightened up and so the new Act, which I think came in either just before or just after I left the Department, that was a specific decision that was taken to close some of these, what you might call, loopholes.

Mr Karran: So we are not aware that that has been covered, it is up to the Committee to find that?

Mr Hamilton: It has been covered as far as I know.

The Chairman: It is in the new Local Government Act.

Mr Hamilton: But whether there are further things that need to be done, I am sure the current Department will be looking at those issues and especially in the light of this Select Committee's report.

The Chairman: Thank you, Mr Hamilton. Just by way of a final invitation to comment, Mr Rimington was quite unequivocal in his evidence to us that the major areas of proposed development land, to quote his words, 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'

All of his evidence really describes how, in his eyes, the Department was able to prefer the interests of the developer Dandara in the formulation of the Department's development plan for Braddan. That is essentially what he is saying. What would be your comment to that?

Mr Hamilton: Two comments. First of all, I took the view, when the then Minister discussed it with me, that certainly that is one interpretation that could be placed on the outcome of his research – not necessarily the interpretation that I would have placed on it. With all due respect to the Minister of the day and any other Minister, they are not

planning experts. They are lay-people like I am. They will come to a view, it will be their own view, but I think you do have to put a lot of weight on the professional advice that you are given and if professional people, professional planners, have done an evaluation of different sites, have looked at needs and all the other things that come into the equation, and have made recommendations which different political members have considered carefully, either endorsed or altered or whatever, and you get to the point where you have a document which has had a long gestation period, I think that you have to put a lot of weight on what has happened.

You need to look at it afresh and come to your own view and satisfy yourself that the right decisions have been taken, but I would not necessarily have come to the same view as Mr Rimington. But I accepted, with him, that it is a conclusion that could be drawn, but it would not have been my conclusion: so that is the first thing I would say.

The second thing I would say is that I have never been aware at any time when matters to do with the zoning of land have come before the Department where the ownership of that land has been raised as part of a planning process. I can never remember that being raised. There are the professional planning issues and advice.

There is a separate issue which is a political context and of course, that is what Ministers and Members are about. They could well take a political judgement that they thought that there should be a better sharing of the cake, but that is certainly not a planning consideration and if any particular Minister or Members were to come to a view for political reasons then they would need to explain very clearly that that was their view and it was for political reasons. Otherwise, my advice to Ministers has always been, if you are going to depart from the advice that the professionals have given you, you need to have very sound planning reasons to justify your decision to depart from that advice.

The Chairman: Thank you, Mr Hamilton. That is very clear and by way of conclusion, on behalf of the Committee, thank you very much for giving your evidence and the clear manner in which you have done so. We may possibly wish to speak to you again, but if so we will let you know. Thank you, Mr Hamilton.

With that, ladies and gentlemen, that brings us to the conclusion of today's submission of oral evidence to the Committee. Thank you very much for your attendance and I declare this session formally closed. Thank you.

The Committee sat in private at 4.35 p.m.