



**TYNWALD COURT  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
QUAIYL TINVAAL**

**P R O C E E D I N G S**

**D A A L T Y N**

**(HANSARD)**

**Douglas, Wednesday, 18th March 2009**

**Present:****The President of Tynwald (The Hon. N Q Cringle, OBE)****In the Council:**

The Lord Bishop of Sodor and Man (The Rt Rev. R M E Paterson),  
Mr D Butt, Mr D A Callister, Mrs C M Christian, Mr E A Crowe, Mr A F Downie,  
Mr E G Lowey, Mr J R Turner and Mr G H Waft,  
with Mr J King, Deputy Clerk of Tynwald.

**In the Keys:**

The Speaker (Hon. S C Rodan) (Garff);  
The Chief Minister (The Hon. J A Brown) (Castletown);  
Hon. D M Anderson (Glenfaba); Hon. A V Craine (Ramsey); Hon. W E Teare (Ayre);  
Mr J D Q Cannan (Michael); Mr T Crookall (Peel); Mr P Karran, Hon. A J Earnshaw and Mr D J Quirk (Onchan);  
Hon. G M Quayle (Middle); Mr R W Henderson and Mr J R Houghton (Douglas North);  
Hon. D C Cretney and Mr W M Malarkey (Douglas South); Mr R P Braidwood and Mrs B J Cannell (Douglas East);  
Mr C G Corkish MBE and Hon. J P Shimmin (Douglas West); Mr G D Cregeen (Malew and Santon);  
Mr J P Watterson and Hon. P A Gawne (Rushen);  
with Mr R Phillips, Clerk of Tynwald.

**Business Transacted**

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*The House adjourned at 12.30 p.m.*

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## Tynwald

*The Court met at 10.30 a.m.*

[MR PRESIDENT *in the Chair*]

**The Deputy Clerk:** Hon. Members, please be upstanding for the President of Tynwald.

**The President:** Hon. Members, I call upon the Lord Bishop to lead us in prayers.

### PRAYERS *The Lord Bishop*

#### Announcement of Royal Assent Value Added Tax (Amendment) Act 2009

**The President:** Hon. Members, I have to announce that the Royal Assent has been given to the Value Added Tax (Amendment) Act, which you signed yesterday, Hon. Members.

#### Leave of absence granted

**The President:** Hon. Members, I would also notify the Court that the Hon. Member for Ramsey, Mr Bell, and Mr Attorney General are both off the Island on Government business.

## Orders of the Day

#### Fixed term investment bonds Motion not made

34. The Hon. Member for Douglas North (Mr Houghton) to move:

*That Tynwald is of the opinion that the Department of Local Government and the Environment should assist participating local authorities in the re-launch of fixed term investment bonds to the public.*

**The President:** So having gone through our Order Paper as far as Item 33 yesterday, we come to –

**A Member:** Where is Mr Houghton?

**Mr Henderson:** If it may help, Eaghtyrane, I think Mr Houghton has actually withdrawn it –

**The President:** Withdrawn Item 34?

**Mr Henderson:** With confirmation of the DoLGE Minister.

**The President:** So that was withdrawn at Question Time yesterday.

#### Turkeyland/Point of Ayre Annulment of planning application PA 08/00230/B Motion lost

35. The Hon. Member for Ayre (Mr Teare) to move:

*That Tynwald annuls the decision by the Council of Ministers to approve application PA 08/00230/B (by Cemex Island Aggregates Ltd).*

**The President:** So we have reached Item 35 and I call on the Hon. Member for Ayre.

**Mr Teare:** Thank you, Mr President.

Today I am taking the most unusual step of moving a motion which, if successful, will overturn a planning decision made by the Council of Ministers. Before doing so, sir, I would like to make three points. Firstly, I am not seeking to overturn any of the other recommendations made in the planning inspector's report. Secondly, due to my pre-declared position, I took no part in the decision of Council. Thirdly, Council accepted the recommendation of the planning inspector and I maintain that in some major aspects of the application, he was mistaken, a fact of which Council would have been unaware.

Mr President, it may be helpful if I gave a brief background to the circumstances leading up to the production of the inspector's report. On 5th April 2006 a planning application was submitted by Island Aggregates to operate a residential waste disposal facility at their previous sand and gravel pit at the Point of Ayre. The site comprises approximately 10 acres, and it originally comprised a working sand and gravel pit. It is near to the Point of Ayre lighthouse and at its closest point only 150 metres away from the shoreline. The application anticipated that the capacity of the site would be approximately 110,000 tonnes, which will be filled at the rate of 20,000 tonnes per annum, leading to a facility lifespan of six years. Provision will be made for reinstatement of the area to reflect the landform of the pre-extraction contours.

The Planning Committee declined the application in the following year, but the applicant submitted another application, which was similar. By that time, there were a further three applications awaiting consideration by the planning authorities, two relating to Turkeyland and the third to Archallagan. A decision was made to call in and co-join the applications which were then referred to an independent planning inspector. He held an inquiry over 13 days, which finished in July last year.

The report was considered by Council and the final report laid before the January sitting of this Hon. Court. I consider that the report is flawed, in that it does not recognise a zoning of the area or the environmental issues. It does not recognise the previous assurances given to the people of Bride that tipping would stop at the Point of Ayre. There is no financial

bonding in place to provide for reinstatement of the affected area, and the period effectively approved for operation of the facility far exceeds that requested by the applicant in his original application.

Mr President, taking each point in turn: zoning of the area and the environmental issues. This area has long been described as a Manx nature reserve as, in an earlier planning circular, it is referred to as such, and I quote:

‘where either a nature conservation zone, or part thereof, or a site of ecological importance for nature conservation is of such quality as to merit special management and development exclusively for nature conservation objectives, then it should be regarded as a potential Manx nature reserve.’

It is also designated as an area of special protection for birds under the Wildlife Act 1990. How does the approval for a landfill operation fit in with those definitions? The site runs up to the shore of the Island’s most important area of open water for birds on the Island. In fact, the inspector recognised the unique nature of the site and commented, at paragraph 201, when he says:

‘There is no dispute that the Ayres as a whole amply merits the continued inclusion in the area of high landscape value. The wide coverage in the Island does not devalue the designation of the area as a landscape of the highest quality and rarity. It fully meets the protection given by Environmental Policy 2.’

He goes on to say at paragraph 206:

‘In my view the application proposal cannot comply with the policy set out in Environmental Policy 2 by virtue of causing no harm on the character and quality of the landscape.’

Additionally, the inspector has acknowledged that the proposal would form a further intrusion into the special landscape, due to the necessity of raising the cap – that is, the top of a landfill – above the surroundings and the difficulty of establishing vegetation comparable with the surroundings. In effect, it would stand up to five metres above the contour of the surrounding land. The inspector acknowledges this at paragraph 205, where he says:

‘This proposal would form a further intrusion into this special landscape due to the necessity of raising the cap above the surroundings and the difficulty of establishing vegetation comparable with the surroundings.’

Mr President, this appears to have been overlooked.

I also find it hard to believe that the inspector relied upon an environmental survey which was not site specific. It was just a desk study. However, the consultants did point out that protected species are recorded in the area and one would have thought that further information would have been required to determine what impact the proposals would have on the area and the wildlife and, if so, what mitigation was proposed.

The inspector also mentions at paragraph 337 that it was admitted within the environmental survey that the proposal would not comply with the Landfill Directive and that the main cell would not be likely to comply with the Groundwater Regulations 1998. It did not follow best practice in terms of waste acceptance. The development would contravene WP(c)(7) and also EP22(i). It would unacceptably harm the environment and/or amenity of nearby properties in terms of pollution of the sea, surface water or groundwater. Under EP22, development was not permitted. Yet it has been.

Section 228 of the inspector’s report deals with the impact of traffic generation. In it, he places much emphasis that waste would be conveyed to the Point of Ayre using returning aggregate lorries and says:

‘Furthermore, the applicant would be bound by a planning condition to utilise lorries engaged in sand and gravel delivery which return empty to the site.’

However, no mention is made of this condition in the list of recommended conditions set out in schedule 4.

Mr President, my second point was assurances given to the people of Bride. For many years the Point of Ayre has been providing landfill facilities for the Island, operated by the Department of Local Government and the Environment. The issue has been controversial and, whilst planning consent was of course upheld, it was time limited on the basis that alternative arrangements would be made.

However, no alternative arrangements have been made and successive Ministers have had to seek extensions to the time limit. On each occasion, an assurance has been given that no further request for an extension would be made, but they have proved as reliable as a verbal guarantee. There could be no doubt as to the assurances given by DoLGE, as its then Minister, at a public meeting in Bride, said that tipping in the parish would stop, once the Energy from Waste Plant was built and trials complete.

The Hon. Member of Council, Mr Lowey, who, at that time, was a Member of the Department, was also present at the public meeting in Bride. At the sitting of this Hon. Court held on 18th January 2006, he confirmed that assurances were given and given in good faith. Indeed, at the planning inquiry held on 10th July 2008 the Minister for the Department from 1999 to 2001, Mr Gilbey, confirmed that, as Minister, he had indeed made promises to the residents of Bride. Surely, we can rely upon undertakings given by Ministers, as under current legislation, they are the Department. They can make binding policy on its behalf. As a consequence a firm policy has been made and, I would argue, should not now be set aside.

Indeed, the inspector was wrong when he said, specifically, that he gave no weight to ministerial assurances by virtue of section 3 of the Government Departments Act 1987, and section 10(4) of the Town and Country Planning Act 1999 and section 1 of General Policy of the Strategic Plan. Whether we like it or not, we should stand by commitments unless *force majeure* intervenes and this is not the case here.

It could be argued that this is a private sector application and that Government assurances carry no weight, as this is not a Government facility. Mr President, I would argue that the effect of assurances given rezone the site and on that basis planning should not have been granted. Also, where will most of the waste originate? Presumably, Government. How could the public sector use the site in the face of the many assurances given?

Mr President, the third point is that the conditions recommended by the inspector make no provision for a financial bond to cover the cost of reinstatement. To me, this seems a significant oversight on the part of the inspector. Following completion of the landfill operation, the site will need to be restored and when the Department consents to the surrender of the disposal licence, the leachate treatment facility must be decommissioned and demolished. The operator will be expected to pay for this. Whilst Island

Aggregates is an honourable company with a top management team, we cannot foretell what circumstances might be in 20 years' time. No-one could have foreseen the current financial turmoil, so we must try and cover all eventualities.

I am also aware that Hanson, a well-respected aggregate extraction company, operating on a global basis was taken over by a German company, which is now facing serious financial difficulties, following the suicide of its chairman. Additionally, if Island Aggregates Cemex were to be taken over or sell its Island-based operation to another company, what comfort would be available to us then? We do try and cover these issues when a developer submits a planning application for a residential estate. One of the conditions is that a road bond is put in place, backed by an insurance company or a bank. This ensures that the roads are completed in due course. Why has this not been done in this instance? Does the Government wish to run the risk of having to fund what could be very substantial costs? Surely we have a responsibility to, and should, try and protect the taxpayer. It could well come back and haunt us.

Finally, Mr President, the period approved for the operation of the facility far exceeds that requested by the applicant in the original application. The main difficulty with this decision is that it does not set a termination date for tipping in Bride. This flies in the face of all previously given assurances to myself, my predecessor, and of course the people of Bride. We should also acknowledge that there are many more persons affected, especially those living in Ramsey, where the wagons pass by on their route to the landfill site.

To my mind, it is totally unacceptable for an applicant to seek a period of approximately six years on their original submission, and then for the inspector to effectively grant decades. He did comment, at paragraph 75, that:

'This change may fall foul of the principles set out in a legal precedent in the case of *Bernard Wheatcroft Ltd v SSE and Another*, 21st October 1980.'

Mr President, is there no end in sight to this miscarriage? In respect of the inspector's decision relating to Bride, I feel that there are issues which have not been addressed, others which have not been adequately dealt with, and also legal precedents ignored. To accept the report as it is would pose risks for the public purse and ignore many previous undertakings given to Bride. It would also run the risk of despoiling an area of outstanding natural beauty, despite the best efforts of the operator. It is interesting that the planning officer was not comfortable with the application and he recommended that it be declined. It is also a major disappointment that this was not heeded.

Also, at paragraph 285(4), the inspector has said that the landfill facility should focus on meeting the needs of the northern half of the Island. It will be interesting to see what arrangements are proposed for the rest of the Island when loads from outside that area are turned away.

Mr President, in its current form, I feel that this report is flawed, and hence my motion today. For that reason, I must move that Tynwald annuls the decision of the Council of Ministers in respect of the Cemex Island Aggregates application only.

Mr President, I beg to move the motion standing in my name, sir.

**The President:** Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.  
I beg to second and reserve my remarks.

**The President:** Now, Hon. Members, just so that Members understand the procedure which we will be operating under, which has not been used before, section 11 of the Town and Country Planning Act 1999 makes provision for planning applications which are determined by the Council of Ministers. Under section 11(2), where the Council of Ministers grant approval for such applications, they have to lay their decisions before Tynwald. Tynwald may annul the decision either at the sitting before which it is laid or the next sitting. The Act refers to Tynwald annulling the decision. It does not confer any power to amend, so I shall not be taking any amendments to this motion. The decision will be to annul or not.

Mr Teare's motion is to annul the decision on planning application 08/00230/B, which relates to Cemex Island Aggregates Ltd activity at the Point of Ayre. If his motion is decided today, that particular matter will be settled and you will not be able to bring it back next month.

However, the other three decisions in the papers laid before Tynwald at this sitting relate to Archallagan, old Turkeyland and new Turkeyland. These decisions are not affected by Mr Teare's motion today, and therefore, if a Member wished to put forward a motion to annul one of the two with approved planning permission, this could be done at the April sitting.

Now, Hon. Members, we continue with the debate. Mr Lowey, Hon. Member.

**Mr Lowey:** Mr President, I rise to support the Hon. Member. I feel passionate. People will say, 'How can you feel passionate about an area and a people?' Well, I do feel passionate today, because I do genuinely believe that a great injustice has been done to those people. I feel like a Trojan horse, as I have said in this Court once before, when I stood up and apologised for having to eat my words which I gave in good faith to the people of Bride at a public meeting.

Mr President, I am passionate about injustice: the people of Bride have every right to feel resentment, betrayal, and to feel abused. This approval that is being sought today – or to annul that approval – really does a 360-degree turnaround for all the promises which were made over the years. Promises were made, and it has been expressed to you today by the mover of this resolution that Mr Gilbey, in his term, promised that there would be none.

The Chief Minister of the day, Mr Corkill, asked me to take on waste management, which I did on the clear understanding that he told me what his policy was and left me alone to get on with it. Now, at the time, it was very contentious, and Hon. Members in this Court will remember it. We were building the Energy from Waste Plant, we were fast running out of space, and the thing was getting acute. Let me tell you, we also had at that time a liaison committee for waste management, which was liaising very closely with the Commissioners, and we met regularly.

I remember those meetings very well, Mr President. They were always courteous, but my word, they were frank. You never left a meeting of the Bride Commissioners where you were unsure of where they stood. It was an education, for an old hand even like me, but, as I say, they were always courteous. I had to say to them, as the situation became more acute... We had run out of space, we could see the

final centimetres of the hole filling up. We had nowhere else to turn. The incinerator was not on stream, it was behind schedule, and so therefore I had to say we had to go for another planning application to lift the existing hole another four feet above the ground. You can imagine the response I got from the Commissioners. They said, 'This is what we were told would not happen, it is happening, it is not our fault that you have not planned', and they were absolutely right, but they were also realistic enough to know at the end of the day that we had to have somewhere for the waste.

They called a public meeting, both myself and the then Minister, Mrs Crowe, went and our officials were invited. You will recall that Ministers and Members come and go; officials were pretty static. The officials did not accompany us that night and I remember it well because, my Lord Bishop, it was a choir practice and the Chief Executive was in the choir, so the choir took precedence. But the Minister and I went to face another kind of music in the Bride Hall and face the electorate.

If the Commissioners of Bride were courteous and forthright, I suggest you have not lived until you have been to a public meeting in Bride in the north of the Island and face the people there. They were merciless, and I have to say to you, it took all my guile, not to win them over, but to assuage them. I gave clear, unequivocal, unambivalent reassurance to the people that once this was finished, that would be the end of tipping in Bride on behalf, not of myself, but on behalf of the Government. The Minister was there and I am sure that I was speaking, not just for the Minister, who also agreed, but also the Chief Minister of the day, who had set me on this task and delegated me to do it.

So there is no doubt at all that the people of Bride were given assurances, so when I read the report and the inspector said, they are not really worth the paper they are written on, I wondered what planet I was living on. I think if the people of Bride and the people of the Isle of Man, cannot trust the word of the Government, then they really are in the mire. That is the reality of it and therefore I think the people of Bride do have a just cause.

The difference between now, Mr President, and then is we do have alternatives. As the mover of the resolution said, we can all accept sometimes *force majeure*, that things happen that are outside our control and therefore we do have to alter tack. Things have changed, we do have alternatives and before anybody says, I am wishing it on someone else, the alternative that is on offer in these plans is not... I was going to say in my front garden, not my back garden – but it is in my home parish at Turkeyland. We have endured and enjoyed tipping in our parish for decades and it is one of the prices you pay for living in a limestone area where there are holes in the ground, that planning applications, when you are digging stuff out, you have got to fill the hole back in, so it is a natural.

And before anybody tells me that it will increase the traffic flow in my own home village, it will. What will it be, nine or ten lorries a week? We have just opened a garage at one of the busiest junctions in the village, which will attract hundreds of movements of vehicles in a week. So I am quite prepared to live with that, so there is an alternative. There was no alternative when we went to Bride and gave assurances on behalf of Government.

There is no doubt at all, Mr President, in my view, that if honour is to be served and that justice for the people of Bride and the word of the Government is to be honoured, then I

have no doubt at all we should be supporting unanimously this vote.

I said, I felt like a Trojan horse, I felt guilty when I stood up in this Court two or three years ago and apologised to the people of Bride. I was in Bride a week last Friday, visiting the schools there. It is a lovely hamlet, it is a lovely place, the people are still friendly and courteous, but I do feel that I owe them an extra apology if we do not support this resolution, because I do not know how more sincere I could have been. I was sincere at the time. I thought I was acting on behalf of Government; I *know* I was acting on behalf of Government and I believe Government should honour my word and their word to the people of Bride.

Support the resolution.

**The President:** Mr Speaker.

**The Speaker:** Mr President, I am sure one has every sympathy with a Member of this Court who seeks to represent his constituents and, clearly, while being a Minister and not being party to a ministerial decision, the Hon. Member for Ayre has taken upon himself the duty that he has to represent his constituents' interests, in this case over a particular long-standing planning issue.

Of course, those of us who have been in the position of seeking to represent constituents' point of view over planning do so to the best of their ability by making written representation or personal representation at inquiry, or before inspectors if it is a public inquiry, or before the appeal inspector, and I have no doubt the Hon. Member did that.

But, Mr President, I think we must think, as a Court, very carefully indeed before overturning a statutory process that has been gone through, for which there are proper procedures – acknowledging that the annulment procedure, while unusual, is a statutory provision. Nonetheless, the whole purpose of having a public inquiry is so that the points of view that the Hon. Member for Ayre holds on behalf of his constituents, which the residents hold, the Commissioners hold... the applicant and all the parties can be properly aired over a thorough exploration over a period of days at the inquiry, and this particular inquiry, with the three other applications, took place over 13 days.

Mr President, the Hon. Member has made, this morning, a series of assertions of quite a technical nature in regard to the inspector's report, which was, as we see, available online. I have no doubt some of us will have viewed that report, but until today, I would say it was very hard to know the approach that the Hon. Member might be taking in relation to the case he was going to make for seeking annulment of the decision to approve the inspector's report. The Hon. Member, Mr Teare, has made a number of assertions disputing matters of a fairly technical nature, and he has done so this morning. If I could say to him, it might have been helpful – as happens in complex and technical decisions that we are required to make – to have had sight, or notice, or a presentation of some sort, over where the Hon. Member had particular difficulty with the inspector's report, because unless we have the inspector's report beside us, to assess what the Hon. Member is telling us, I suggest that is very difficult. We are not planning professionals. Some of us have a degree of understanding, but it is only a degree of understanding of the planning issues, and I suggest the floor of this Court is, in the first instance, not the place to make the case. It is very difficult for us to assess the merits that the Hon. Member is making for his version

of the planning and how he sees the inspector to be at fault in his conclusions. That is why we have inquiries and why we have inspectors, to weigh up, and the inspector makes a judgment after hearing the various cases made. It is very hard for us to make a judgment and to assess what weight should be given to different planning arguments on the floor of this Court. That is what inquiries are for.

I think we have got to think very carefully indeed. The Hon. Member, Mr Lowey, informs us that there are alternatives to the approval at Bride, other sites elsewhere on the Island. My question is: were those alternatives put forward and assessed and evaluated at the public inquiry? I do not know, I do not have the report in front of me, I do not know if they are. I am hoping the Hon. Member will be able to say whether the inspector had the opportunity to have had presented to him what these alternatives are, to have assessed them, or to have made a judgment upon which he could have possibly come to the conclusion that, in the light of alternatives yet to be assessed possibly, this application, he might well have judged to be premature until those alternatives had been explored and evaluated.

The Hon. Member, Mr Lowey, may well be right: there might be alternatives. What I need to know is were those alternatives considered by the inspector, because I am aware of another recent planning decision by an inspector that has been upheld by the Council of Ministers, where one of the grounds for refusal in that instance – and I am talking about a proposed extension of a quarry in my constituency... The issue of alternatives was a material fact in the decision to refuse the application. So it is critical, this point about alternatives. With all due respect to the Hon. Member, if part of the case is that there are alternatives to be better assessed, it would have been helpful to have had that case made to us at a presentation, so that when we come today to make the decision, we are in full possession of all the facts.

I am very uneasy, but I try to keep an open mind on the merits of any argument, particularly one where it is clear there are strong arguments for and strong arguments against, but I am very uneasy at being forced or put in a position of re-running, in essence, a planning inquiry which has already taken place, and to assess planning arguments on the floor of this Court.

**The President:** Mrs Christian, Hon. Member.

**Mrs Christian:** Thank you, Mr President.

I think my comments will, to some degree, reinforce those of the Hon. Mr Speaker.

I, over the years, like my hon. colleague, Mr Lowey, have been involved on both sides of the fence with regard to planning or waste management. I think that, in considering this particular motion, we have to perhaps analyse what the differences are between the promises made in the past and this particular application, and whether indeed we think there are any differences.

The tipping of municipal waste at the Point of Ayre has gone on for years and there is absolutely no doubt at all that promises made to the people of Bride with regard to the tips there were, time and time again, undermined or not met. They were promised that there would not be applications for the extension of the time period over which the site would be used, and time after time Government went back with applications to extend, and let us bear in mind it was *Government* who was applying for those extensions. I think

that the people of Bride, certainly in that context, were almost betrayed, because the promises they were given were not met.

That is not to criticise the Department, because the Department was struggling to find alternative sites for the disposal of waste and for landfill, and we know that the processes through which they had to go have taken long years, much longer than was certainly anticipated in the first place.

Now tipping has, in Wright's Pit North, been stopped, and this application is not an application from Government; it is an application from a private individual. I think that the points made by Mr Speaker here are important, in that we have to consider the situation where there is a combination here of the private company's application and this being called in to be considered and co-joined with an application from Government to look at the whole thing together. The company made an application originally which was considered by the Planning Committee. I was not party to that decision, so I feel able to comment on it. In fact, I did declare an interest, because, at that time, I had previously been involved with the Waste Management Division of the Department of Local Government and the Environment and felt that it was inappropriate for me to sit there in consideration of that application. That application was turned down by the Planning Committee, went to appeal, but on a technical ground was turned down. Well, it was not turned down; the inspector would not consider it, because he considered it technically flawed, in that the application for the appeal had been signed by an individual and not put on behalf of the company, so on a technical ground the appeal could not be considered. The company then came forward with a further application, which was co-joined with the Department's application and therefore not considered by the Planning Committee.

Government had control of what materials were being taken to the north in the past. If a private applicant comes along and makes an application, it is not in Government's control necessarily who will use that facility, if it is given planning approval, and if we are not to support it, we are overruling... and Mr Speaker again has commented on this. We have to think carefully about overruling a statutory procedure, and I think it would be appropriate for this Court only to overrule it on proper planning grounds.

However, I do not believe that the statute says that we only have to take in planning considerations, and one can well see that, if one uses one's heart rather than one's head, one would have great sympathy with the people of Bride in this and might well vote in support of the motion and against the planning approval.

The issue of whether or not there are alternatives has not explicitly been put the Court. I think there is a general feeling that, because a number of applications were co-joined and determined, everything in the garden is lovely. I do not believe that, in terms of specific wastes, everything in the garden is lovely, and that there are routes for it; however, that is not precisely the issue that is before us today.

We have had a paper circulated – I presume to all of us – from the Clerk to the Bride Commissioners, which sets out in some degree their case, but again I think there are some statements in this paper with which I could take issue, or at least debate the matter. I think that we have to recognise... I believe that, in calling that application in and considering it together with the Archallagan application, Government has

effectively adopted it, or indicated that Government wants this and supports it, and therefore I feel sure that the people of Bride will feel that this facility is effectively endorsed by Government and will very likely possibly be used by Government, and so I can understand the Bride people's concern.

I have to take issue with the comment – and I hope he did it tongue in cheek – of the mover, who implied that if a Minister gives a commitment not to use Government's facility in the future, they are effectively rezoning the whole of an area. It certainly cannot be achieved by promise. If rezoning could be achieved by promise, it would quite simply undermine the whole of the planning structures.

Mr President, I think it probably would be appropriate, in case there are applications coming in in this area in the future, that I do not vote on this issue, but I do think – (*Interjection by Mr Henderson*) I beg your pardon?

**Mr Henderson:** Your view is in.

**Mrs Christian:** I cannot hear the Hon. Member, Mr President.

**The President:** The Hon. Member said your view is in. It is on record.

**Mrs Christian:** My view on the issues from a planning perspective on this is that this is a private application which has been combined with the Government application. My view on whether it should go through or not has *not* been expressed. My view on the position of the people of Bride is that they were given promises with regard to the Government use of sites down there and I have a view on that which I have expressed, but which has no particular relevance to this site.

So I hope, Mr President, that I have not confused the issue so far as my position as Chairman of Planning is concerned. Indeed, if there are any further applications in that area for the disposal of waste, I will certainly take legal advice after speaking today, but I just think, Mr President, that Members, in considering this particular issue, should bear in mind that there are differences in this application and the sites in respect of which promises were made by Ministers.

**The President:** Hon. Member for Peel, Mr Crookall.

**Mr Crookall:** Thank you, Mr President.

In view of what was said by the Hon. Member for Ayre at the beginning and then followed up just afterwards by Mr Speaker and the points that have just been made by the Hon. Member of Council, Mrs Christian, I feel it would be quite prudent for this to be adjourned to next month, sir, so that Members could be better briefed. This is a very serious issue in overturning a Council of Ministers' decision, which is not done very often, sir.

I beg to move this is adjourned until next month so Members can be briefed:

*That the debate be adjourned to the sitting of Tynwald in April.*

**The President:** Hon. Member, Mr Karran.

**Mr Karran:** I second that.

**The President:** Hon. Members, it is straightforward. The move is to adjourn this debate to the sitting of Tynwald in April. Hon. Members, we will go straight to a vote. Under Standing Order 2.9, we require 13 votes in the Keys and 5 in the Council.

Do you wish to debate it, sir?

**The Chief Minister:** I wish to make a few points, if I may, Mr President.

**The President:** In that case, Chief Minister.

**The Chief Minister:** Mr President, whilst the Hon. Member is moving to get some information, I do think Members should again reflect on the points that have been made both by Mr Speaker and by the Hon. Member of Council about the statutory position of this application. Whilst Tynwald clearly has the authority to annul it, and that is fine, I do think that Members need to be extremely careful not to be drawn into reconsidering the application. I think that is a slightly different issue.

I think that it is important that if Members do adjourn this, dependent on what the mover of the motion decides to do in his presentation... I would hope he would ensure Members are also given some advice on the actual implications of any change. I just think that is an issue because, of course, we have seen decisions made either by Ministers or by the Council of Ministers where they have made a decision contrary to maybe the recommendation, or in fact in some cases following the recommendation being challenged in court. So I just think that we need to be aware of that.

I would like to make a very brief comment about ministerial statements. One thing that is absolutely clear –

**The President:** Chief Minister, we are talking to the adjournment, sir.

**The Chief Minister:** Absolutely, and one thing that is clear, as the Hon. Member of Council said, a statement made by a Minister or a Member cannot override the law, and I think that therefore, if this is being adjourned, Members need to consider what are they adjourning it for that they do not already have. In other words, are they wanting to adjourn to get more information, to be more involved in the process of considering the application, or to clarify some of the points that they maybe have?

All I can say is that the Council of Ministers, including Acting Ministers, gave this matter very careful consideration and we need to accept there are, in fact, statutory provisions that restrict decisions that maybe we wanted to make – and Mrs Christian made the point about your heart as against your head – and those decisions have to be taken.

My view certainly would be that I think Members should make a decision, but clearly it is a matter for the Court.

**The President:** Mr Quirk, Hon. Member.

**Mr Quirk:** Thank you, Mr President.

**The President:** The five-minute rule applies, sir. Speaking to the adjournment.

**Mr Quirk:** Two minutes off. Can I just say, speaking to the adjournment, I will not be supporting the adjournment.

I think, like other Members have actually given evidence to the Court or had speeches to the Court today, that when the inquiry took place... and I must put on record that I did give evidence to the inspector's inquiry. It was not related to Bride, but I did give evidence to the inquiry and I feel myself that it does not preclude me from making a decision on this particular case here today.

The inquiry was under the Town and Country Planning Act, it was in the public domain. The inspector himself, if I could put on record, if you think he was a walkover, he was not. I am not a lover of planning but the democratic decision was taken, persons went to that inquiry and I do feel that we need... Adjourning it today – and I do not support my hon. friend from Peel – will do a disservice to the mechanism that is put in place to determine planning and it is out. The Member of Council is quite right, it is a private application, not a Government application and a private application in my context, when you look at the report, was physically tested.

I would hope that Members would not support the adjournment because I think you are doing not only the mechanism that is there, which we all respect and have to respect, because at the end of the day, if we do not, we will be accused of just... the next thing, something will go to court again or this Hon. Court, and it will try to be annulled and the whole system will collapse. We have to have some form of mechanism that is accountable and I think this one is. There are difficulties in planning, but they are to be addressed in the future, Mr Shimmin, (*Laughter*) and that is my comment.

**The President:** Mr Cannan, Hon. Member for Michael.

**Mr Cannan:** Mr President, we have employed, at great expense, independent planning inspectors from the United Kingdom. Where necessary, they hold public inquiries, they make decisions. The decisions of the planning inspectors have been made and, on this occasion, the Hon. Member for Ayre is seeking to revoke or set aside that decision. We are now being asked to adjourn, for what purpose I am not quite sure.

Are we to adjourn to take over the role of the planning inspector and re-examine the whole planning application? I am not sure that that is Tynwald's role. (**Two Members:** Hear, hear.) The only purposeful adjournment, as the Member for Peel has stated, is so we can get all the facts. In other words, we then sit down and have a debate, as a planning inspector, and determine what the outcome should be.

If we are doing this for one private application, then we are creating a precedent, and I can see several private applications where people disagree with the planning inspector's decision and Members will feel it in their right to come to Tynwald and seek to overturn the decision. I am not sure that that is the purpose of what we have set out in town and country planning and the reasons we established a planning inspectorate that was totally neutral by appointing people from the United Kingdom who came over and had no pre-conceived ideas of what was good or bad, in political terms, in a constituency, because this seems to be a political issue.

**The President:** Mr Lowey, Hon. Member.

**Mr Lowey:** Yes, Mr President.

I think what the Hon. Member for Peel has tried to do is... he has been persuaded by Mr Speaker and my good friend Mrs Christian that there are difficulties here. I recognise immediately what the Chief Minister says about the law and this Court cannot interfere with that and that has been proven time and again. Forgive me if I am wrong, but inspectors have had their decisions overturned by Ministers, or am I wrong? (*Interjection*) Of course they have, well, with the greatest respect, these were called in by the Council of Ministers and the procedures that are adopted under those terms was spelt out by Mr President this morning that they are laid and parts could be annulled by this Court. That is the procedure. Therefore, I think the hon. mover has quite clearly said...

I do not mind whether it is adjourned or not. What I do know is that I have clarity in my mind. Mrs Christian and Mr Speaker said there have to be alternatives and they should be explored. Were they explored? Well, I tried very hard, I suppose, to put the personal thing... I am accused or will be accused of my heart overruling my head. No, my judgement is quite clear, head and heart together.

I can tell, Mr Speaker, what is different today from then is – and to Mrs Christian – the Energy from Waste Plant is now reducing the amount of waste that needs to be disposed of. The private sites, whether they are in Foxdale, Peel or whatever, have taken waste, which was not available in those days either, and now Turkeyland, which was the subject co-joined in this, is available and will be taking waste.

The other thing that this one in the north is supposed to be doing is to be taking municipal waste. Well, municipal waste is only paid for by the Government, so we are the only user of this particular site.

Mr President, whether the Court decides to go with the adjournment or not, that is for the Court to decide, but I do think we cannot get away from the fact that the idea that overturning an inspector is somehow unheard of in the annals. We had a question yesterday where we were told the present Minister, I believe, has overturned 10 inspectors' reports, for very good reasons as explained, so it is not unique.

**The President:** Mr Malarkey.

**Mr Malarkey:** Thank you, Mr President, I will be brief.

The Hon. Member for Michael has expressed a lot of my concerns. I will not be going with the adjournment this afternoon, or this morning. (*Interjections*) It feels like afternoon, yes!

I really feel we are starting to dabble now. I was invited to go on and represent my Minister, and I have read the report twice. I believe an adjournment today is going to turn this Court into inspectors who are all going to rush out and get the report and then all decide suddenly that maybe the inspector got something wrong. It was not an inspector's decision that was overturned by a Minister; it was one that was actually agreed with by six Members of this Court, so it is not something that was done lightheartedly, Mr President.

I believe that we really are going down a dangerous road today, if we go for an adjournment and allow people now to go back to reading the inspector's report all over again. I think we should finish this once and for all today and move on, sir.

**Two Members:** Hear, hear.

**The President:** Do you wish to reply, Mr Crookall?

**Mr Crookall:** Thank you, Mr President.

Just briefly to say it was more for clarity for Members, so they knew exactly what they were doing here. It is a serious issue that we are facing here today, sir, but now I think they have all said what they had to say, so no, just leave the vote, sir.

**The President:** In that case, Hon. Members, we go to the vote. As I indicated before, it requires 13 in Keys; 5 in Council.

*Electronic voting resulted as follows:*

*In the Keys – Ayes 5, Noes 17*

**FOR**

Mr Karran  
Mr Crookall  
Mr Teare  
Mr Houghton  
Mr Henderson

**AGAINST**

Mr Quirk  
Mr Earnshaw  
Mr Brown  
Mr Anderson  
Mrs Craine  
Mr Quayle  
Mr Cannan  
Mr Cregeen  
Mr Malarkey  
Mrs Cannell  
Mr Braidwood  
Mr Corkish  
Mr Shimmin  
Mr Cretney  
Mr Watterson  
Mr Gawne  
The Speaker

**The Speaker:** Mr President, in the Keys the motion fails to carry, 5 votes for, 17 against.

*In the Council – Ayes 2, Noes 6*

**FOR**

The Lord Bishop  
Mr Lowey

**AGAINST**

Mr Callister  
Mr Crowe  
Mr Downie  
Mr Waft  
Mr Butt  
Mr Turner

**The President:** Similarly, Hon. Members, it fails in the Council, 2 for, 6 against, Hon. Members.

The motion for adjournment having failed to carry, we continue with the debate itself. I call on the Hon. Member of Council, Mr Butt.

**Mr Butt:** Thank you, Mr President.

For those who asked for the adjournment, I hope I can perhaps provide some facts which may fill in some of the gaps which some Members may be aware of.

I speak as the Member, at the moment, with responsibility for waste management. I am aware of the previous promises given by previous Members in that role and by previous Ministers, and the concerns of the people of Bride, and I am sure it causes them great difficulty. In fact, it causes me difficulty, as well, as to which way to go on this, because I have to speak about the strategic need which the Isle of Man has for some landfill capacity.

The planning inspector, who was agreed with by the Council of Ministers, decided that the arguments to build Archallagan were not sufficiently well argued, and he was

also faced with the co-applications of Cemex for Bride and Colas for Turkeyland. So before him he had two alternatives, and that was one of the reasons why Archallagan failed. This means, in effect, that planning was given to Turkeyland and to Bride, which is the only route which the Government have for their strategic waste.

The waste we are talking about is what is known as problematic waste. It is not bottom ash – there is a route for that already; it is the problematic waste which cannot be dealt with by any other means.

As Mrs Christian has said previously, the landfill site on which the promises were made was closed down at the end of December. That is now closed. Planning permission for that has now ended. The Cemex application is a private application by a private operator. Government and the Department have had no involvement in that application whatsoever, and continue to have no involvement. The Wright's Pit North, which has just been closed: the materials that went there were inert waste from the Northern Civic Amenity Site – and 'inert waste' meant rubble, bricks, stuff that could not be burnt or sent to the incinerator – and the problematic waste.

The problematic waste includes and mostly comprises contaminated asbestos, cement-bound asbestos, fibre-glass, rock wool-type insulation and contaminated soil. With the closure of the pit at Bride in December, we now have to find routes for all of those materials.

At present, the asbestos is being stored in a licensed site – stored safely – awaiting a route for disposal. We hope to find a landfill route, but that is still being negotiated. For the plasterboard, which is another problematic waste which is a big problem, we think we have found routes to recycle it as a compost, in effect, both on Island and off Island, so that will reduce the amount of problematic waste that needs to be landfilled. We are still struggling, or we are trying to find routes for fibre-glass and rock wool insulation, and the contaminated soil, and these are the types of things we are talking about. The mover of the motion, Mr Teare, said this is Government waste. Well, it is not Government waste; it is all-Island waste, everybody in the Isle of Man produces waste and this is the residue of that waste which cannot be dealt with by other people, the problematic waste. We do need somewhere for that.

If I could turn to the concerns of Bride: I understand the concerns of the Bride people and the Commissioners, and I would agree again with Mrs Christian's comment, but the list that was given to us is not actually the full story and not totally accurate. It has been mentioned by, I think, Mr Lowey that if they go down to Malew to deliver waste, there will be nine or ten lorries a day. In fact, last year in the Bride tip, of the problematic waste, the total tonnage was 959 tonnes and that has been the same for several years. There was a bit more a few years ago, when the building industry was busier. But 959 tonnes of waste equates to between 12 and 15 lorries a month. So we are talking about one wagon every two or three days, so whether Bride was to be used or Turkeyland was to be used, that equates to two or three vehicle movements every two or three days. It is not going to be a huge problem for wherever it is.

As for Bride, at the moment the Northern Civic Amenity Site is in the north of the Island, north of Bride. Plans are well advanced to move to a site nearer Ramsey so all the traffic that currently goes to the Civic Amenity Site in the north will disappear within about a year or so. So for the residents

of Bride, whatever happens to this motion today, whatever happens with the Cemex application, the traffic in Bride will reduce considerably over the next few months.

Mr President, I believe this problematic waste created by residents, not by the Government, has to be dealt with in some way and we do need strategic places to put it. Mr Speaker said, what are the alternatives? At the moment, because of these applications, there really is only one alternative to Bride and that is Turkeyland; that is one alternative. Archallagan is no longer an option. We have, as a Government, strategically, our eggs in those two baskets. If, say next month, another motion was to come forward to annul the decision on Turkeyland, the Government would have nothing at all, nowhere to put their waste and that would be a huge problem for the Isle of Man, because this waste is generated and will continue to be generated and has to be dealt with responsibly and properly.

So, Mr President, wherever the waste goes, it is going to be a problem for the residents in that area. I would perhaps – and I still have not decided – vote against the motion by the mover, because I do think we need to have all our options open for strategic waste in the future.

**The President:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

The first thing I would like to say to this debate, and to those who have been calling for planning considerations to be considered, is what more planning consideration do you need on the floor of this Hon. Court than the fact that an inspector has said that this is an area of scenic significance as a designation? That is clear and unambiguous.

The next unambiguous thing – and there is no argument whatsoever – is the fact that the whole of the Ayres should and must be designated as an Area of Significant Scientific Interest: an ASSI, as it is called in the trade. There is no doubt about it, the rare plants, species and birdlife that inhabit the Ayres together form an eco-environment of considerable importance, not just in UK terms but of European significance, especially with the mixed-heather environment that exists there along with the other rare plants. I could not stress that enough, Eaghtyrane: of European significance. This is the area we are talking about, and talking about dabbling in. It is all interconnected; it is all interrelated. Whether we say, the heather is in one bit and the different creatures that live there that are notable live in another bit, together it forms that very sensitive ecosystem. Everyone is aware of that. It is quoted in Government Reports and it has been placed on numerous inquiries before now, so we know without doubt how absolutely invaluable that area is to the Isle of Man.

We also know the arguments that have been put out by Government over the past 20, 30 and longer years. The biggest promotional factor we use for the Island, whether it be for business, visitors or other aspects, is our quality of life and natural heritage. That is continually trotted out. What I find here today is that we are quite happy to implant into this area of scientific significance – as Mr Butt, from the Council, so eloquently put it – toxic waste, asbestos, rock wool, contaminated soil, problematic waste, plasterboard and fibre-glass. Is that really what we should be doing to an Area of Significant Scientific Interest? What kind of message or signal are we sending out when we do that? Given that this Court has already, three or four years ago, voted on a motion I put to it to recognise the significant importance

of our natural heritage, is that something we just put aside when it suits?

I find it very strange that we are even contemplating going back to Bride, Eaghtyrane, in this fashion. It also seems very strange to me that sometimes some Hon. Members are diehard conservationists and we must protect the beauty and the wildlife of this Island, and then, when push comes to shove, when people need to have a little backbone, what we have are some Hon. Members made of straw, who run away from it and use the national strategic argument as the all-swaying debating point that we should despoil and ruin one of our most beautiful areas of natural heritage, or assist in it. If we allow this to go through, what is next? That is the thing, Eaghtyrane, and we have seen this so many times in the past. It goes on and on and on.

The other argument that is put into debate quite often: ‘Oh, we have got plenty of open space, plenty of natural heritage; a bit more will not matter.’ But if you go back and measure the maps of the Island and how the land is and the semi-natural habitat and the farmland, and go back a hundred years and plot forward, then you will really get a serious picture of how much has been lost over the years. The trouble is we become complacent to what we have got and do not recognise the importance of it as we should do. Anyone who comes here as a visitor immediately is struck by the beauty of the place, and if they have got any natural heritage nous, they immediately say, as one particular senior warden from a UK Northumberland reserve said, the whole Island should be designated. She was that taken with it. Take the towns and villages out, but the countryside was that important at her first glance and assessment. That tells you how special and unique the place really is, and I am astonished at some of the comments where we just glibly, and flippantly almost, Eaghtyrane, say, ‘Oh, well, we have got nowhere else; we will just do it here.’

There are other ways, Eaghtyrane: there are compulsory purchase orders of land; there is calling in again of various other applications. If Government had been smart enough at the time, we were looking at a great big plot of land opposite the incinerator on Richmond Hill, in a valley that could have been engineered and mitigated and screened out of the way, that could have been used for just this purpose with very short lorry trips across the road. I made that call several times, Eaghtyrane, and it was basically ignored and certain Hon. Members here said it could not possibly be done, we need to do that, we need to do the other, but the helicopter view was not taken at the time, because I could see the day where we would be at now in this particular mess, when in fact, all we are doing is being asked to submit to being environmental vandals, which is absolutely a fact, if you start burying the kind waste that the Hon. Member of Legislative Council has said, going up to Bride. There is no question of that; it is an absolute fact, Eaghtyrane.

To the Speaker’s comments, I have to say I am quite astonished really, because this is an Ayre issue. It is completely separate to Garff, but I would wonder, if we were here discussing the same point on a 50-acre extension to Dreemskerry, what your reaction would be.

I find the comments whereby we are not qualified, we need more technical information, this is down to planning... We are the Court of Tynwald; we are here to make decisions ultimately. We are not scientists and we have not got town and country planning qualifications, that is true, Eaghtyrane, but at the end of the day, we are here to make difficult decisions.

That is why the people of the Island put us here – and commonsense decisions. That is the other important element. At the end of the day, if there is something awkward, we have to find a pragmatic, commonsense approach to it.

To those who have been saying it has to go through the planning system, there are procedures and processes that have to be followed, this is all part of that procedure and process, Eaghtyrane. You very clearly and implicitly stated that at the beginning of this debate, so any Hon. Member who feels that they cannot support Mr Teare because of that reason, then they would be erroneous in their thinking because this is the ultimate endpoint of that process, and rightly so, that Tynwald Court is at the top of that procedural tree. We are here to be the ultimate arbiter in the case of very difficult cases. It is not a case of going back to discussing the whole planning application. We have got the top note facts, we know what we are dealing with, I feel the Hon. Member for Ayre has quite clearly put the case out and the basic planning points that we need to be aware of.

The Hon. Member of Council, Mr Butt, has made some telling observations that I think we need to balance up with what we are doing. Again, Eaghtyrane, we are here as elected representatives and Members of Tynwald to make those difficult decisions when the procedures have been followed all the way through. We are at the top of the chain of command, if you like. We have got to examine what is before us and come to a decision. We have got the points and there are other opportunities for Government to take, if they so wish, but again it comes back to having the backbone to actually get out there and resolve the issue.

I would draw an example on compulsory purchase orders (CPO) – something that has been going on in my constituency for at least 15 years, where a simple CPO would have sorted out a simple junction issue a long time ago, but it has gone round in an ever-increasing spiral of bureaucracy, where people have shied away from doing the obvious. It may be coming to a close now, thank goodness, and I am thankful to those who are helping, but nonetheless it is a good example where, if we grasp the nettle and get on with it and make some difficult decisions, we could find the correct piece of land and mitigate for what it is that we want to use it for. In fact, I am sure that if we looked harder there may be places to export some of this or recycle it further, as the Hon. Member, Mr Butt, has already mentioned with the plasterboard, which I am impressed with.

I know people have worked hard on the matter, Eaghtyrane, and hundreds and hundreds of hours have been spent on it, because I too have worked in DoLGE and I know exactly what it is like, but I also know that when it came to difficult decisions – and in previous administrations – there has been a shyness in taking a particular route. This is the easiest route: ‘Let’s just dump it in a beauty spot.’ I do not think now, in the 21st century, that is the answer, and, given Government’s commitment in the Government Plan to the environment and our natural heritage, it is flying in the face of those commitments.

I am also astonished, Eaghtyrane, at the input of the Chairman of the Isle of Man Planning Committee, because I feel, really, the Hon. Member, Mrs Christian, should not have taken part in the debate, and, in fact, she said she could not vote on it and if anything further came along she would have had to take legal advice, to paraphrase. I think, in fairness, she should not have taken part at all, but –

**The President:** I will make it plain, Mr Henderson that I think Mrs Christian was making the point that if any other application came forward, she would not – that was the point she was making. Not on this particular application.

**Mr Henderson:** True, Eaghtyrane, but my view is that perhaps it would have been better for her to withdraw because she has put a view that casts doubt in Members’ minds with regards to, again, procedural issues and so forth, and really that could sway the tone of the debate and I feel there is a conflict of interest there that would have been better served if the Chairman had withdrawn from the debate.

She also mentioned that we have been struggling to find sites and things should only be overturned on proper planning grounds and our heart should not rule our head. Again, I would point Hon. Members back to the issue why we are elected and why we stand in this place. We have the top note points for the debate and I am sure Mr Teare, if necessary, will elucidate further in his winding-up. I think it is time to make a decision. We are not elected just to bypass the situation and again we are part of the procedures, there is no doubt about that.

The Chief Minister made the same comments in trying to sway Members’ thinking, I feel, when in actual fact, I think we should grasp the nettle and, for once, stand up for the environment and make a statement here, put our money where our mouth is and have some backbone to it.

With that, Eaghtyrane, I think that is all I need to comment on, otherwise, where is this going to lead to?

**The President:** Chief Minister.

**The Chief Minister:** Thank you, Mr President.

I first got elected to Tynwald in November 1981, and at least five years before that – and I think even longer – the issue of where to tip our rubbish, how to dispose of it, what to do and what process has been a constant matter before the Department of Local Government and its predecessor, the Local Government Board, local authorities, Members of Tynwald, and always, the interesting thing is, the arguments are the same. It always goes round in this vicious circle.

The one thing we must do and keep in our mind is that our responsibility in here is to the people of the Isle of Man, and the issue is how are we going to dispose effectively of the waste that we generate without different procedures and processes to deal with it? We cannot burn everything; we have always known that. We have to dispose of different types of waste; we have always known that. New restrictions have come in since the 1990s which stop us exporting waste from the Isle of Man unless we can demonstrate, without any doubt at all, that we are unable to process that waste here on the Isle of Man. So, whether we like it or not, we, Tynwald Court, ultimately have decisions to make.

I support 100 per cent the Hon. Member for Douglas North, Mr Henderson, when he said we need to make a decision: absolutely, let us make the decision, I am afraid, to reject the motion before us, (**A Member:** Hear, hear.) because we really have no alternative. I am sorry, we can go away and we can say, ‘What are we going to do?’ Nobody yet has come up with an alternative.

Mr President, the Hon. Member, Mr Henderson, makes a big play in his contribution about the Island, this land here, is of high scenic beauty. The whole Isle of Man (**Several Members:** Hear, hear.) is of high scenic beauty, and that is

one of our problems. We can actually say we are not going to do anything to change anything in the Isle of Man. We are not going to use natural resources, so therefore we will not quarry, we will not extract gravel from the Point of Ayre, which, I have to say, has a far greater impact on the Point of Ayre than what is being proposed here, but that seems to be somewhat welcomed, and I am not sure why.

I think the point is that we have to be realistic about this. How are we going to serve our community with the different types of products that are now produced? We have very limited choices. The Council of Ministers agreed to co-join these applications for consideration by one independent inspector for the very point that some Members have made: to look at the overall picture and say, in considering this, not consider that one and then let us go and consider that one and then consider that one – bring them together so that an inspector independently – not us, not politicians, but an independent inspector – could look at them altogether, have a public inquiry, which he did, hear all the evidence, consider it and then come forward with his conclusions. He has produced a 73-page report of A4, double sided, which is showing why he has got to the conclusions he has. And not everything that was wanted – and we must not forget this – was actually accepted because Archallagan was rejected, Turkeyland approved and the Ayres approved.

Mr President, the procedure is the inspector makes recommendations, sets out what he has heard, what he has considered and so on and we, in this case because it was a called-in inquiry, the Council of Ministers have to consider that and consider his report, what he said and whether we are satisfied that we can approve that report, based on its recommendations so that they then become the actual decision. The only reasons you can step away from that generally – not totally but generally – are because he has made a mistake. You cannot do it because we just do not like it, because if that was the case we might as well sit and have the inquiry together and just take it all the way through.

So what we have to do – and we know this – Ministers have made decisions and they have been challenged in court. The Council of Ministers recently made the decision; it was challenged in court. So the other parties – whichever side they are on, whether they are objectors or applicants – have the right to go to court if they are not content and the courts will decide whether that case has any foundation. But what the courts will consider is whether appropriate action has been taken by the decision makers, whether it is the Minister or the Council of Ministers, as to whether the decision that is made is in fact justifiable in legal terms, based on Tynwald policies, the law etc.

So we are not free agents. We cannot just say we do not want it so we are not going to have it; we actually have to consider it very carefully. All I can say is that the Ministers and the Acting Ministers – because there are Acting Ministers in this case, because a number of Ministers were compromised in their position, because they had an interest – considered this very carefully, with advice whether the inspector's report was, in fact, one that could be sustained.

Mr President, we have had a public inquiry. It was undertaken by an independent inspector. If you read the report, he has been very thorough and it is like everything: the report is a résumé of the whole issue to give us an understanding of what he has considered. All those parties who had a point of view have had their say. They have been considered and the inspector has then put forward what he believes to be the

right way forward, and as I say, Government's application for Archallagan was rejected, Turkeyland approved and the one for the Point of Ayre recommended for approval as well.

I want to come back to the point about the ministerial undertakings, because that is being made quite a lot of. Mr President, quite clearly, Ministers and Members of Departments who have delegated authority have to act at all times carefully and responsibly when they make statements in relation to what they promise anyone. We are human, so sometimes we make mistakes, so let us be clear about that. But as long as we are genuine about what we say, nobody can ask for more.

Let us just go back to the point and there is criticism in the letter from Bride Commissioners, where they make the point that the inspector said:

'There is no evidence that these undertakings have influenced or been incorporated into planning policy or any other Government policy. That being the case, no weight can be given to these statements.'

These are statements made where the Commissioners say that the Ministers in the past and Members have said x, y and z. I am sorry, the reality is that if they have, that is fine, but if they have not followed it through to change the law, to set out a written policy, to amend the local plan, with the greatest respect, the inspector cannot take it into account, because he has to look at the law and the Order as approved by Tynwald to see whether or not that is actually policy. So yes, you can make the statement, but the responsibility then is to carry it through to implement it as policy or as law change or whatever and that has not been done.

So there is a statement and I have sympathy for Bride who then said, 'Well, we are quite satisfied because a statement has been made, but the process and the responsibility on those Ministers concerned, and Members and especially the Minister, is to follow that through, to make sure it is implemented. The inspector is saying, 'It was not, so therefore I cannot take it into account as an overriding factor or put much weight to it' – no weight to it, in fact, he says. So it is important we keep that in mind.

When considering this, what Tynwald has to do, I believe anyway, is consider whether the case made by the Hon. Member, based on the report, has enough weight in it that we actually think the inspector and the Council of Ministers have actually made a mistake based on the planning report. I believe there has been no mistake, and quite clearly, anyone who has read the report will see that following through the logic of the independent inspector, after the public inquiry, takes us to a position which some people are clearly unhappy about. Again, we can all understand that because there are always different sides to these arguments.

Tynwald's view has to look at it, in a way quite coldly, and say is it the right thing to do, to overturn or to reject what is in that independent report. I believe for Tynwald to do that has to be one of the most serious decisions it makes. The reason I say that is because it has been through public inquiry with an independent inspector, making a recommendation which has been approved. So clearly, Tynwald is here to make its decision, but I do believe it is a very important one that it has before it today and I know that Members will give it very careful consideration before they make their decision on it.

I thank Mr Butt, who, I thought, explained quite a lot of information as to the impact that is happening and will happen in the area of Bride, because of the reduction in

vehicle movements over a period of time. Again, considerable efforts have been made by Government to reduce some of the impact on that.

I also make the point that Government very, very successfully – accepting that while you are tipping, it is a problem, in terms of managing that – reinstated a very large area of the Ayres. I was the Minister who did the first section, where we replanted the gorse out there, and you would not know there was a tip there any more. What we took away was a big scar on the land of the Point of Ayre which was a big hole which had been dug out to get the gravel, to get all the materials that we still need, because the alternative is to import them at three or four times the cost of what it cost us to take them naturally from our own resources and, at the end of the day, we had to be realistic.

None of us likes to see the Isle of Man damaged, none of us likes to see the Isle of Man scarred, but there is also another way, which is to make sure that when we have finished with it, it is back to what it was or even better, in some cases, than was the situation. We have all experienced – those of us who have been here a long time – the ups and downs of going through that process and the end result being far better than what was left by those who used the area as a quarry or whatever it may be.

So I think that the issue is that there is a lot going on to try and ease the situation but, realistically, what is the alternative? The only question is what are you going to do with the materials that we have a responsibility, on behalf of our community who generates the waste, to dispose of it? That is what you have to have in mind: what is your alternative? And if you have not got one, then my view is you have not got any choice, because your choice is that you have had an independent inquiry; it has been considered at a public inquiry; there have been recommendations; and that is what you have before you today.

So I hope, Mr President, that Members will reject the motion on the grounds that the due process is taking place, there are not strong enough grounds for overturning that, or rejecting the recommendation and in fact, what do we do if we go down the road of reducing even further the amount of availability of disposal options for the Isle of Man for which we are responsible?

**The President:** Hon. Member, Mr Waft.

**Mr Waft:** Thank you, Mr President.

I rise to my feet because I am one of the Members who spent a considerable amount of time down at Bride talking to the Commissioners and talking to the subcommittee. Every couple of months it was our duty to go and talk to them and perhaps appease some of the problems that were arising. I think that I have worked under the Chief Minister, the Minister of DoLGE and then Terry Groves and we were all of a similar opinion that this was in the national interest, despite the fact that we had to keep continually changing the goalposts and making a bigger area and a bigger area and going back on all the promises that we had made. It was in the national interest and they kept saying, we have heard this before, the Energy from Waste Plant had been discussed for many, many years and it was not any nearer. Eventually that situation has all changed now; we have an Energy from Waste Plant, we have other areas where we can dispose of refuse and privately they can dispose of refuse as well.

I would like to mention Mr Butt. He set it out pretty

clearly, exactly the situation now. However his situation is entirely different from what it was in 1991, 1992, 1993 – entirely different – and I wish we had had the problems that he has now, at that time, but we have gradually overcome them. It is good for democracy actually, I find, when Ministers can find themselves in a situation where they are not happy with ministerial decisions, they can sit outside of course or they can make their view known and try and change things a little. I think it is all credit to the Ministers who have stepped aside, Mr Teare in this instance, and I think a previous instance with regard to Archallagan, they make their position known and probably change things from time to time.

This is due process and this is the end of the road, perhaps, and the fact that we have got alternatives these days, and the fact from my own integrity, promising and promising with regard to the people of Bride, and the wagons going through what I call a chocolate box village in every way, to have those people in Bride actually raising their concerns time and time again, getting reassurances. At the end of the day, somebody has to say enough is enough for the people of Bride and let us say, let us use the alternatives, there are alternatives now we never had before. It is not going to be the end of the world if we follow Mr Teare's suggestion today, and I compliment him for bringing it to us.

Thank you very much, Mr President.

**The President:** Hon. Member, Mr Downie.

**Mr Downie:** Thank you Mr President.

I rise to my feet today with the knowledge that, however sympathetic my views are with the Hon. Member for Ayre, Mr Teare, and accepting fully his position that he is here in another guise today to represent his constituents, I think we are actually seeing democracy here in its truest form because he does have an obligation as a Minister in the Government, but there are times like this, when he has got to show another side and I think the stance he has taken today, he should be congratulated for.

There will not be many Members, I hope, agree with him, because I think what we have got to do, as Members of this Hon. Court is look at the bigger picture and make our decision based on what is good for the Isle of Man in general. I have a lot of sympathy with the people living in Bride, and like lots of other Hon. Members in here, I have had the honour of chairing the liaison committee. I have worked with the former Chief Minister when he was the Minister down there, responsible for waste management and other things, but it annoys me when some Hon. Members of the Court today have said there must be other places, there must be alternatives and so on. I would say to you Hon. Members, the same people who would give you the argument that we should not be doing any more disposal in the Ayres, would be the same people who would be totally against building an Energy from Waste Plant. We have got to find a balance somewhere. There has to be, at the end of the day, a decision made, which is going to be in the best interests of the Isle of Man, which is to dispose of our refuse in a safe, effective and practical way and one that harms the environment the least.

Mr Henderson, when he was on his feet, said that we should be looking at all sorts of other sites. Well, anybody who has got an interest in waste disposal, knows that before you can actually get involved in the planning process, there has to be a thing carried out called a scoping report and we have had numerous of these carried out over the years and

the numbers of sites which are suitable for the disposal of waste now, are down to no more than two or three. So we finished up today, we have got Custer's Last Stand: we have got Turkeyland, the Ayres and we have got Archallagan. They were probably the three that have been around for a long time. The reason why we are down to the final two is that they are and have been void spaces. Turkeyland has been an area where minerals have been extracted for years. It is a natural place to deposit materials, and, if it is done in a properly controlled and environmentally-friendly way, there will be no detriment to the environment.

In fact, what we have seen at the Ayres, Hon. Members, as the Chief Minister said, has been a plus for the environment, because for anybody who went to the Ayres 50 years ago, it was virtually like a wasteland. Sand and gravel had been extracted by the concrete barge where Wright's Pit East was. That was just a wasteland. The land was also heavily polluted with brine. Some Hon. Members maybe do not know that 100 years ago there was a saltworks at Ramsey and they used to pump brine, very heavily infected with salt, into Ramsey, where it was evaporated to make salt for the fishing industry. So there was a lot of ground pollution in that area, but since the waste sites have been developed down there... and there again, they were only developed because it was a place where there was a hole in the ground, and lots of tests were carried out by Government and independent agencies to show that there were not environmental problems, and the backdrop to that now is that we have got some areas which are rich in wildlife. The Gaelic heath has been developed to such a stage that it is ASSI standard. There have been lagoons created and left to fill with water. So we have got an abundance of wildlife.

I would suggest that the Cemex application, which is really to take inert low-risk waste and backfill into some of these areas where sand and gravel have been extracted, should really be no different from any other operation in the area. It will be properly controlled by Government, it will be properly regulated, and if you look at traffic, my hon. colleague from the Council, Mr Butt, gave you an assessment of the vehicle movements, but if we get our waste management hierarchy sorted out finally, there is no reason why Cemex vehicles cannot call at the various transfer stations and these sites and actually take materials to be backfilled, when they are going back to the Ayres empty. So you really will see hardly any additional traffic movements in the area.

That is what happens when you get the private sector starting to get involved in waste – they see there is a future in it. There is potential. The cost of extracting is fairly high and they see the way of generating some income from them by providing a safe, effective, controlled disposal route for some of the Island's waste materials that we cannot possibly dispose of by any other route.

I think, Hon. Members, as previous Members have said today, that this is a day for decision. I hope this will be a rare occasion when planning issues like this come to the floor of Tynwald. It is not easy but, as I say, I will not be supporting the motion in the name of the Hon. Member for Ayre, Mr Teare. I do have some sympathy for his position, but I think I have to be responsible and take my decision based on what is best for the rest of the Isle of Man.

Thank you.

**The President:** Mr Cregeen, Hon. Member for Malew and Santon.

**Mr Watterson:** Point of order, Mr President. Could I ask, under Standing Order 3.16:

*That the question be now put.*

**Two Members:** Hear, hear.

**The President:** Well, it is entirely up to the Court to make that decision in the end, but I have got only Mr Cregeen left to speak and, I think, Mr Teare to reply.

**A Member:** Hear, hear. (*Interjections*)

**Mr Cregeen:** Vote, Mr President.

**The President:** Hon. Members, we will put it to the Court that the motion be now put. Those in favour, please say aye; against, no. The ayes have it.

*A division was called for and electronic voting resulted as follows:*

*In the Keys – Ayes 9, Noes 11*

**FOR**

Mr Cannan  
Mr Houghton  
Mr Henderson  
Mr Malarkey  
Mrs Cannell  
Mr Braidwood  
Mr Corkish  
Mr Cretney  
Mr Watterson

**AGAINST**

Mr Earnshaw  
Mr Karran  
Mr Brown  
Mr Crookall  
Mr Anderson  
Mrs Craine  
Mr Quayle  
Mr Teare  
Mr Cregeen  
Mr Shimmin  
The Speaker

**The Speaker:** Mr President, the motion fails to carry, 9 votes for, 11 against.

*In the Council – Ayes 1, Noes 7*

**FOR**

The Lord Bishop

**AGAINST**

Mr Callister  
Mr Crowe  
Mr Downie  
Mr Lowey  
Mr Waft  
Mr Butt  
Mr Turner

**The President:** In the Council, it fails to carry, 1 for, 7 against.

Hon. Members, we will continue with the debate. Mr Cregeen.

**Mr Cregeen:** Thank you, Mr President, I will be brief.

I could have had a bit more sympathy for the Member bringing this motion, if he had said he had problems with the whole of the decision. This has been cherry-picked and I understand the reason behind it, but I really feel that if he had any questions regarding the process it went through, he should have queried the whole process, not just the one.

With regard to Turkeyland, yes, Turkeyland is taking the bottom ash at the moment and I have been in touch with the Minister, I have raised Questions in the other place, regarding the EPU, the Environmental Protection Unit, going out and

testing the area and that is the safeguard that I am looking towards in Malew, to try and stop the environment being damaged. The Environmental Protection Unit should be down there testing the soil samples, the water, the air to make sure that the whole process is accountable. You could have, in another 10 or 15 years another place. You have Poortown Quarry, that will be coming to the end of its lifetime and there will be another hole in the ground to fill. So yes, every place has its lifespan and unfortunately, we do have some holes in the ground in Malew and we have also got some in Santon and we have got to deal with it and hopefully the Environmental Protection Unit does its job and safeguards people. If they do not, then it is up to every Member in this Hon. Court to bring them to book.

**The President:** Mr Karran, Hon. Member.

**Mr Karran:** Eaghtyrane, I would just like... there were a few points that I have to say that, as far as the debate is concerned, and that is firstly the question I put down yesterday to do with the overruling of planning decisions. The Chief Minister actually said about it being in the national interest. I think the point is that when you look at the 10 decisions: the conversion of a redundant barn to form holiday cottages, the installation of two double windows – dormer windows – in a conservatory – I would not name the addresses; the use of a portakabin for living accommodation; the principle for the erection of an agricultural worker's dwelling; the continued use of premises for car repairs in the cottage; the continuing operation of a beauty salon in a road; and it goes on for ten issues. I do not think you could say that they are issues of national importance.

**The Chief Minister:** Point of order please, Mr President. I never once used in my speech 'national importance' or anything of that making at all.

**The President:** I take your point, sir.

**Mr Karran:** Eaghtyrane, the point is that this idea that we should not –

**The Chief Minister:** Do you accept what I said?

**Mr Karran:** I accept what you said, but maybe I misheard what you said. The point is, Eaghtyrane, the principle was given that the idea of overturning decisions should be on a national basis and a national decision. The point is that I understand what the Ard-shirveishagh says about the issue that we have got a particularly difficult decision here, as far as this issue is concerned and I find myself in a difficult position over what the Member of Council, Mrs Christian, said and the Speaker, to be fair, this idea of overruling an independent body has to be something that we have to be concerned about.

Also, I do think that what Mr Lowey says about the issue of promises made should be kept... I think it does undermine us. It would have been different with a Conservative government or if there was a Labour government or there was another government that had been in power, but there was not. Basically the people that were in charge, that were in the Council of Ministers, are still in the Council of Ministers from when those undertakings were made, with

the exception of one or two, and I think that this Hon. Court needs to accept that.

I think the point is that with raising the Questions yesterday to do with the overturning of decisions, I think people can see what level they are and I do think that the word within this Hon. Court and the word of Government needs to be able to be trusted and respected, as far as that is concerned. It is a difficult decision and I think that difficult decision has to be accepted, that if commitments were made and, allowing for the fact that things can be overturned, I think that this idea that somehow this is some major precedent, when you allow for other things that have been overruled. It is a difficult decision – I would not like to be the Planning Chairman and have to make those decisions – but at the end of the day, I do think that this Court needs to honour... If we make that sort of commitment that Mr Lowey said, as the Member responsible for the environment at the time, then I think this Court needs to support it, even allowing for the fact that they are taking on an independent inspector.

So I shall be supporting the Hon. Member for Ayre, because I think it is important that we do so.

**The President:** Hon. Member, Mr Teare, to reply.

**Mr Teare:** Thank you, Mr President.

Could I thank, most sincerely, everybody who has contributed to the debate today. It has been very interesting, very enlightening, and I have to say it does credit to this Hon. Court.

I would like to thank Mr Henderson for seconding me and for his comments.

Mr Lowey was particularly insightful into the assurances given to the people of Ayre. He is demonstrating how to act honourably, and some of the other Members in this Court have done the same and I would like to thank them for that.

Decisions are overturned by Ministers, and what I would say – leading on to the comments made by Mr Speaker when he said that we should be very careful what we are doing here – is if it was not the intention to have this process, then why have it in the original legislation? (**Several Members:** Hear, hear.) To me, it seems completely pointless. I accept that the issue was debated at the public inquiry. There are technical issues here, which I addressed in my opening statement, but, Mr President, there are also matters of principle here. I feel that I have highlighted the main issues, and the main problem here, which has come out from the contributions of other speakers, is there does not seem to be clarity in our waste policy on the Island. Indeed, I was very interested to hear from the Hon. Member of Council, Mr Butt, the volume of waste arisings. It is a pity that that information was not put before the planning inspector, because, as I understand from reading the report, the Department representative was not particularly clear on the volume and the type of waste arisings, and that did give the inspector some difficulty.

The Hon. Member of Council, Mrs Christian, also had no doubt that the promises had been given, but she felt that we could not rezone basically on promises. Surely there are moral grounds here and moral standards.

The point was also made by a couple of contributors, including the Hon. Member for Onchan, Mr Quirk, that this is a private application, but in his contribution, the Hon. Member of Council, Mr Butt, in effect let the cat out of the

bag: the Government will need this, (**Mr Henderson:** Yes.) we need somewhere to put it. So, really, it certainly would not be disingenuous on my part to say that this application could have been regarded as a front. It solves a problem which we have ducked and dived and have not addressed.

Mr Cannan made the point that it was not an issue for Tynwald, but, as I say, why have the legislation in place? The real issue has been hit on the head by Mr Henderson, who has talked about the potential ecological damage here and the sensitive ecosystem. The view is that we should merely fill in the holes, but one of the holes, in particular, down there is now full of wildlife and it is recognised as an area which is particularly sensitive for birds and we do not have to protect it because in this particular area the ecosystem has recovered. However, having said that, the point was made by the Hon. Chief Minister that the reinstatement of the Ayres had gone well. Well, I am sorry, that is not the view in the area. It has not gone as well as one would have hoped, but I am sure that with the further efforts that will be made by the Department of Agriculture and DoLGE, that that matter will be resolved. (**A Member:** Greenway.)

The report does not recognise that this is the largest and most important ecological area on the Island, especially for birds and I say, and still maintain, that the planning inspector made a mistake. He did not recognise the particular zoning of this site, that it is an area of high landscape value and also of special protection for birds as well.

One of the issues I have here are the conditions put in this sanction; they do not protect the environment. How can you have a landfill site which, on completion, is going to be five metres above the ground level? And also, in addition to that, how can you have a planning approval in place which provides no financial provision for reinstatement? These are major issues. So, in effect, if you vote against my motion, you are virtually saying that the taxpayer can run the risk of picking up the bill later on and also we can run the risk of the ecological damage that may be occasioned by this.

To Mr Downie – who has pointed me to the bigger picture and consider what is good for the Isle of Man in general – I would say that an area of outstanding beauty, such as the Ayres, is of considerable interest to the Island and forms part of the bigger picture. He made the point that it needs to be properly controlled and I agree with him, yes, but with the conditions attached to the planning approval, it is not going to be properly controlled. He talks about back loads, empty aggregate lorries going back to the Ayres carrying waste, but where in the planning conditions has that been put? We should have more rigorous planning conditions if we are going to go – if you will pardon the pun – down this road.

Really, I think Mr Karran is quite right, and came to the nub of it once again at the end when he said, ‘Do the honourable thing.’ Hon. Members, I would ask you to do the honourable thing: recognise the failings here, recognise the failings in the conditions attached to the report, and also recognise the assurances which have been given in good faith to the people of the Ayres. It is no use saying that, tough luck, they should have had it enshrined in legislation, because if that is the view, then what is the point of accepting any future assurances given, and when they attempt to come back to the Ayres for more of the same, assurances will carry no weight at all. (**A Member:** Hear, hear.)

Thank you, Mr President.

**The President:** Hon. Members, the motion that I put to

the Court is that printed at Item 35, that Tynwald annuls the decision by the Council of Ministers to approve application PA 08/00230/B (by Cemex Island Aggregates Ltd). Hon. Members, those in favour, please say aye; against, no. The noes have it.

*A division was called for and electronic voting resulted as follows:*

*In the Keys – Ayes 6, Noes 16*

**FOR**

Mr Karran  
Mr Teare  
Mr Houghton  
Mr Henderson  
Mrs Cannell  
Mr Watterson

**AGAINST**

Mr Quirk  
Mr Earnshaw  
Mr Brown  
Mr Crookall  
Mr Anderson  
Mrs Craine  
Mr Quayle  
Mr Cannan  
Mr Cregeen  
Mr Malarkey  
Mr Braidwood  
Mr Corkish  
Mr Shimmin  
Mr Cretney  
Mr Gawne  
The Speaker

**The Speaker:** Mr President, in the Keys the motion fails to carry, 6 votes for, 16 against.

*In the Council – Ayes 4, Noes 4*

**FOR**

Mr Crowe  
The Lord Bishop  
Mr Lowey  
Mr Waft

**AGAINST**

Mr Callister  
Mr Downie  
Mr Butt  
Mr Turner

**The President:** In the Council, Hon. Members, there are 4 votes for, 4 against.

Hon. Members, my casting vote will go with the Keys. It therefore fails to carry.

**Mr Cannan:** Mr President, can we have a print-out, sir?

**The President:** I think the whole Court needs a print-out on that one, Hon. Members.

**Mr Cannan:** Thank you.

**Public sector salaries and bonuses  
Motion not made**

36. The Hon. Member for Onchan (Mr Karran) to move:

*That Tynwald is of the opinion that, in the interests of open Government, all public sector salaries and bonuses should be made public; and that the Council of Ministers should inquire into the best means of ensuring that is done in the future; and to report to this Hon. Court by July 2009.*

**The President:** Now, Hon. Members, as I understand it, having made that decision, the Hon. Member for Onchan is withdrawing Item 36.

So, Hon. Members, that actually draws to a conclusion the business on our Order Paper today.

### **Procedural**

**The President:** Hon. Members, can I just make the comment: I understand that there has been circulated a suggestion that the conference between the two branches on the animal health should take place this afternoon at two thirty, Hon. Members, instead of tomorrow afternoon, providing... I think all Members have been circulated and if the Clerk can confirm that we are all in agreement? (**The Clerk:** Yes.) In that case, Hon. Members, the conference for

the two branch representatives will take place at two thirty this afternoon.

Hon. Members, the Council will now withdraw and leave the House of Keys to transact such business as Mr Speaker may wish to put before you.

Thank you, Hon. Members.

*The Council withdrew.*

## **House of Keys**

**The Speaker:** Hon. Members, the House will now stand adjourned until Tuesday next, 24th March, 10 o'clock, in our own Chamber.

*The House adjourned at 12.30 p.m.*