

**Town and Country Planning Act 1999**  
**A Bill to amend Act re section 14, Protected Buildings Register**  
**Leave to introduce granted???**

5.1 The Hon. Member for Peel (Mr Crookall) to move:

*That leave be given to introduce a Bill to amend the Town and Country Planning Act 1999 relating to entering a building in the Protected Buildings Register under section 14 of the Act; and for connected purposes.*

**The Speaker:** Item 5, leave to introduce, and I call the Hon. Member for Peel, Mr Crookall.

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

I am seeking Members' support today for leave to introduce a Private Member's Bill to amend the Town and Country Planning Act 1999. This relates to entering buildings on the Protected Buildings Register under section 14 of the Act. Hon. Members who were here last year will know that I was given leave to introduce this, but it died with the end of the last House of Keys.

Mr Speaker, what I am looking to do here is to try and solve the predicament that we now have with the old prison on Victoria Road and make sure that this sort of situation hopefully will not happen again in the future. (A Member: Hear, hear.)

The old prison has now passed from the Department of Home Affairs to the Strategic Asset Management Unit in Infrastructure. There is a report which the DHA commissioned that says certain parts of the old prison site should be registered. It may be the case – and I reiterate it *may* be the case – that, in putting those parts on the protected register, Government ends up with a building or parts thereof registered that mean the whole of the site may be unusable or unsaleable, preventing the development of the site to its full potential. I feel there should be a facility for the Department to refer such entries onto the register to the Council of Ministers for determination if it feels that placing of such a building or parts of a building onto the Protected Buildings Register could leave Government with a property that it can do nothing with or, at best, very little with and at great cost.

When I sought to introduce this last year, one of the comments from a Member was that the Minister's hands were tied. That referred to the Minister for Infrastructure because of the report that had been commissioned by the DHA. Minister Cretney, at the time, was unhappy and remained to be convinced of the benefit of this. Now, as Minister with responsibility for infrastructure, I look forward to being able to discuss this with him in an effort to find a way to make this work. By giving me leave to introduce today, it will give me the opportunity to further the helpful talks I have already had with the Director of Planning and the Conservation Officer from Mr Cretney's Department regarding the issue.

I am trying to find a solution to a problem that could leave the Island, in the case of the old prison, with a building that could cost the taxpayer millions of pounds into the future to protect and to try and find a suitable use for.

Mr Speaker, I do hope that Members will see the potential benefit of this and will support me today and give me leave to introduce. With that, I beg to move, sir.

**The Speaker:** Hon. Member for Onchan, Mr Quirk.

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

I endorse the sentiments being said here today by the Minister. I did second it last time and I am prepared to second it this time and I hope that Members will have time for making speedy actions, because one of our Ministers did say earlier in another small debate there, we are in different times and we need to make those decisions.

**The Speaker:** Hon. Member for Rushen, Mr Gawne.

**Mr Gawne:** Gura mie eu, Loayreyder.

I, too, support this leave to introduce, although I think I would need to make absolutely clear that the support for this leave to introduce and, indeed, potential support for the Bill would not prejudice my – or does not automatically suggest that I support what the mover was suggesting in relation to the Victoria Road Prison.

I think it is really important, bearing in mind that a number of us may have to consider that at a future point, that we make it absolutely clear that we are supporting the Bill, because that Bill allows us to consider national need, national interest issues in relation to registered buildings. That is what we are doing here. We are not supporting the demolition of the prison, the deregistering of the prison, whatever. I think it is really important

that we make that absolutely clear and certainly my support is for the legislation which will allow Council to consider national need issues in relation to registration and is not case specific.

**The Speaker:** Hon. Member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I will not pogo on my head, simply because I am now a Minister as far as Private Member's Bills are concerned. I believe that unless there is a fundamental principle that is against good governance, then I would give every Member the right to have a Private Member's Bill.

I have to say that I am concerned about this piece of legislation, that I believe that if it is good for the goose, it is good for the gander, and if you are talking about where a Bill... has to be deregistered on the grounds of it is owned by Government, it has to be for everybody else.

I have spent 30 years in this place, as I say, fighting. One of things that I went into politics for was not because of *traa dy liooar*, but it is not what you know, it is who you know which held this Island back. That was part of the problem with this Island for far too long in the past: fiefdomism, the fact that you looked after your little groups. What I am concerned about is, and I will want to see in this Bill, if we accept this principle, let the same principles apply to anybody who owns any registered building on this Island because we cannot have two laws on this Island. We are not going back to that way and that is the thing that I will want to see before supporting the Bill.

I will support the leave to introduce, not because I agree with what I have heard. I think it is absolutely crazy if they are going to say, 'We have been registered on Government, on the prison, but accepting [*Inaudible*] is on its knees, it has to keep its responsibilities as far as registered buildings are concerned, and other people around the Island have got problems as far as registered buildings are concerned, but there is a different law for them.' We cannot allow that sort of nonsense to happen. We have got to have a clear, defined situation.

If it is a headache for Government and unsustainable for Government, then it should be a headache for everybody else on the same basis and there should be no inconsistency as far as the legislation. If it is a registered building by Government, then it has the same procedures, as far as its deregistration is concerned, as a registered building owned by other institutions in the private sector. I will support the leave to introduce, but let's not start going back down the road of where we have different laws for different sections of the community and we now create Government on a different [*Inaudible*] as far as this issue is concerned.

We saw, Vainstyr Loayreyder, with the Ramsey Pier... some of us referred it back to give them the opportunity to deregister the Ramsey Pier when the opportunity arose. They would not do that. So, in my opinion, our hands were tied. that was a registered building. If I am expected to put a repairs notice – or Douglas Corporation, as a local authority – on the likes of the brewery for one of its registered buildings, then we are saying the law has to apply for everybody. We cannot allow that situation.

So I think we should all support, because we are a new administration. We are wanting to see parliamentary accessibility and audited accountability, so I hope everyone will support the principle. But what I do say to the Hon. Member, Minister or no Minister, is it is an important principle. We have got to have continuity. We have got to have the same criteria for everybody, whether in Government, out of Government, or whatever.

So I do take on board the point that I think it is important that we are not in the nonsense days where we used to avoid leave to introduce by certain sections. This is a new administration, and I hope Members will support the Minister, but I do hope the Minister takes on board that it is important that we must not have different rules for different sections of the Government. Even if I am in Government now, and not out of Government, I still think that is important, and I hope the Member will take that on board, Vainstyr Loayreyder.

**The Speaker:** Hon. Members, before I call the next Member, I will just make a general observation that the naming of outside private companies in support of an argument is a matter that Members will wish to reflect upon when they exercise the parliamentary privilege, which they, rightly, are entitled to.

I call the Hon. Member, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker.

I would echo your words, Mr Speaker, yes, we will get the opportunity, if Members support the leave to introduce today and the Member comes back and he is looking for Second Reading, where he will ask all Members to approve in principle what the legislation is providing for. I, too, will get to my feet and say that I always support the principle of a Member in this House given leave to introduce a Bill, which he or she thinks should be before us for consideration. It is almost a common courtesy in the House of Keys to actually do that and so I will do that and I echo the words of the previous speaker in respect of that.

However, I too am a little concerned – and, of course, I do not know what the Member is planning to put into this piece of legislation – we know what his thought process is and what has prompted him to bring it forward and he cites, by way of example, the prison. There are other such examples, of course, which are in the ownership of the private sector at the moment and Castle Mona is another, which upsets the people and it

certainly has exercised the minds of previous Ministers in the past.

A word of caution, really, because, if it is going to make it easier to deregister a property, then it is, as the previous speaker said, it will have to apply a level playing field right across the board, so that anybody who has a listed building can also go through the same process and apply for deregistration in order to have that building removed and a development go forward. Then, of course, we will have to exercise our minds in 'why have listed buildings in the first place?' What is the importance of conservation? What is the importance of listing these buildings of architectural merit? There is great importance – great importance – and we do, in fact, have a policy, which has been developed over the years and fought very hard for by previous Members prior to my time here. I would not like to see that jeopardised in any shape or form.

What I am curious about, and perhaps the Member, when he is replying, can come back and answer this query, really, is that currently, I know that we do have a process for deregistration. So once a building has been registered and it is listed, that is not for all time. You can go through a process to have the property deregistered. Yes, it is lengthy and, yes, a lot of scrutiny is applied to ensure that if that is granted, it will not be something that the people and the nation and the Government will regret in the future. So it is lengthy and, yes, it does make planning problematic in that it will take a little bit longer, possibly, to try and get what you want.

If the Member is trying to make it easier in terms of planning, that is where my alarm bells go off, and they go off because I, like many Members in this House, Mr Speaker, have occupied the chair of planning in the past and understand planning law a lot better now than I did prior to that position and appreciate why we have it.

So, whilst I will give him support in principle, I would echo the words of the previous speaker, that it is a cautionary approval because I am quite concerned about what he is planning to put in the legislation, but I would ask the House to give him leave.

Thank you.

**The Speaker:** If no one else wishes to speak, I call on the mover to reply. Mr Crookall.

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

If I may, first of all, thank Mr Quirk, the Hon. Member, for his seconding and also for his support.

The Hon. Minister for the Department of Environment, Food and Agriculture, his support also, but he is quite right: it has got to be a national interest or national need and I quite agree. This issue is not as simple as it first seemed when I first picked it up, I must admit, and having had a conversation the other day with the new Planning Director and the Conservation Officer, they are going to make it even more difficult for me, I know. But that is fine. That is the way it has got to work and it has got to be seen and it has got to be impartial, as the Minister for Education said. I have no problem with that. It has to be impartial for everybody and fair.

Again, as the Hon. Minister for Education – no, the Hon. Member for Onchan, sorry – said, what is good for the goose is good for the gander, and that has to be. He said principles have to apply to any registered building. What I am looking at is this is actually before any building goes on to the register. This is about deregistering, I think. This is about a decision before anything goes onto the list. I just want to make that clear.

The Hon. Member for Douglas East, Mrs Cannell, I thank her for her support for leave to introduce, and she did the same and she said the same last year, and I appreciate that. I take on board your concerns. This is about buildings, as I said, before they go onto the register, not for deregistering, so it does not really make things any easier. The system will still be the same, but it is just... We have not got the way at the moment to sort out this situation, and I did give the old prison as an example because they have had that report done, which says it basically should be registered, and I think at least one, if not two Ministers now, and I do not include the present Minister beforehand... No, it is two, including the present Minister are now in the situation where they feel they ought to make a decision on it and we are in such a situation, having spoken to the Planning Director the other day, he feels there may be something we might be able to do with it, even if it is registered, so I will need to make sure that the whole thing is going to work, even if it does get registered in the end, parts of it can be demolished and just save the registered bits. It is not easy, the whole thing is not easy and I take that on board.

I thank Members for their support today. As I said, I respect the impartiality bit and I hope Members can today support me in leave to introduce. I will leave it at that.

**The Speaker:** Hon. Members, the motion is that set out at Item 5.1, that leave be given to introduce a Bill to amend the Town and Country Planning Act 1999 relating to entering a building in the Protected Buildings Register under section 14 of the Act and for connected purposes.

All those in favour, please say aye; against, no. The ayes have it.

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

**FOR**

Mr Quirk  
Mr Hall  
Mr Karran  
Mr Ronan  
Mr Crookall  
Mr Anderson  
Mr Bell  
Mr Singer  
Mr Quayle  
Mr Teare  
Mr Cannan  
Mr Cregeen  
Mr Houghton  
Mr Henderson  
Mrs Beecroft  
Mrs Cannell  
Mr Robertshaw  
Mr Shimmin  
Mr Corkish  
Mr Watterson  
Mr Skelly  
Mr Gawne  
The Speaker

**AGAINST**

Mr Cretney

**The Speaker:** With 23 votes for, and 1 vote against, the motion therefore carries.