

## 5. LEAVE TO INTRODUCE

### 5.1. A Bill to make provision for neighbourhood planning policy – Leave to introduce granted

The Hon. Member for Malew and Santon (Mr Cregeen) to move:

*That leave be given to introduce a Private Member's Bill to make provision about town and country planning in order to allow communities power to develop a vision for their neighbourhood and shape the development and growth of their local area; and for connected purposes.*

**The Speaker:** Item 5, Leave to introduce. There are two motions tabled. The first of those in the name of the Hon. Member for Malew and Santon, Mr Cregeen and I call on him to move the Item at 5.1.

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

I ask the Hon. House for leave to introduce a neighbourhood planning policy. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops, offices to be built, have their say on what the new building should look like and what infrastructure should be provided.

Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community, where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the local area plans. We already have the Southern Area Plan and we are halfway there, we have also got the Eastern Plan on the way. (**Mr Quirk:** We hope.) We hope.

Local communities can choose by setting planning policies through a neighbourhood plan that is used in determining planning applications through the neighbourhood development orders and for specific developments which comply with the order of the neighbourhood plan. It is not a legal requirement but the right for communities in the Isle of Man to choose if they wish to bring one of these orders through.

Communities may decide that they could achieve the outcomes that they want through other planning routes, such as incorporating their proposals for the neighbourhood into an area plan or through other planning mechanisms such as local development orders and supplementary planning documents or through pre-application consultation on development proposals. Communities and the planning authority should discuss the different choices communities have to achieving their ambitions for their neighbourhood.

The benefits to the community for developing a neighbourhood plan; neighbourhood planning enables communities to play a much stronger role in shaping the areas for which they live and work and in supporting new development proposals. This is because, unlike village or town plans, the communities have prepared a neighbourhood plan in forums and parts of the development plan and sits alongside the area plan prepared by the planning authority.

Decisions on planning applications will be made using both the area plan and the neighbourhood plan and any other material considerations. Neighbourhood planning provides the opportunities for the community to set out a positive vision on how they want their community to develop over the next 10, 15 or 20 years in ways that meet their identified local need and make sense for local people. They can put in place planning policies that will help deliver this vision.

To help deliver their vision communities that take a proactive approach by drawing up a neighbourhood plan or order and secure the consent of the local people in a referendum will benefit from 25% off of revenues from a community infrastructure levy arising from development that takes place in their area.

The planning authority should set out a clear and transparent approach to engaging with the neighbourhood using their regular communication tools, websites, newspapers and newsletters. The use of the neighbourhood funds should therefore match the priorities and expressiveness of the local communities including priorities set out formally in the neighbourhood plan.

A neighbourhood plan should support the strategic development needs set out in the area plan and plan positively the support of local development. A neighbourhood plan must address the development and use of land. This is because, if successful, at examination and referendum the neighbourhood plan will become part of a statutory development plan once it has been made and brought into legal force by the planning authority.

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Neighbourhood plans can inspire local people and businesses to consider other ways to improve the neighbourhood through the development and use of land. They may identify actions or policies to deliver these improvements. Wider community aspirations relating to the development and use of land can be included in the neighbourhood plan.

And for clarity, Mr Speaker, this does not mean that we will be setting up multiple planning authorities across the Isle of Man. It means that you will still have the same planning authority but the local areas will have more of a say in how they want their communities to look. I think across the Isle of Man we have many situations where planning is forced on communities and that people want to have their say in what they want our communities to look like.

So I beg to move.

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

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

I beg to second and encourage Members to vote for this.

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

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

Firstly I would like to begin by saying that I am very pleased the Hon. Member for Malew and Santon is taking an interest and bringing forward this initiative. Like the Hon. Member, I also believe that there is merit in providing for more community involvement in the planning process.

Indeed, as part of the extensive discussion my Department has been having with local authorities this matter has been raised on several occasions, which is why I announced during last month's Tynwald that enhancing community involvement in planning will form an essential part of our planning review. It is clearly important that communities are able to influence where new development is located to ensure that the right things are built in the right places.

In my view, community engagement is a very important part of any proper planning process but how we deliver this is a matter which will need careful consideration. I do think that we need to employ a degree of caution in simply copying UK legislation and practices here in the Isle of Man and I look forward to understanding more from the mover how he intends to 'Manxify' the UK Act, which I understand he is using as a basis for his legislation or at least his opening remarks seemed very similar to the UK website describing the UK's Act. **(Two Members: Identical.)**

The community planning which has been introduced in England is working at a scale which is potentially the same scale as the old local plans used to be here. A number of years ago it was agreed that these local plans were too focused on small settlements and that in order to achieve full Island-wide plan coverage, it was speedier and more cost effective to produce area plans covering a much greater geographical area. The benefits of these plans are that they not only cover a larger area but they also enable the interlinkages between the different settlements to be considered.

We must be careful that we do not simply return to the system of preparing plans covering only individual settlements which will take too long and cost too much to deliver, leaving other parts of the Island with not up to date plan. Again, I look forward to hearing from the mover how he intends to ensure that the new planning system he proposes does not just add more time to the planning process and increase the cost. Although I am sure, as a member of DED, the Hon. Member will be only too aware of the importance of getting this right.

Hon. Members, I think it is also very important that any involvement of the community in planning must be on the basis of accepting that in order to survive and be sustainable opportunities for further growth must be provided. (**A Member:** Hear, hear.)

The premise behind the preparation of neighbourhood plans in England is that they cannot block development that is already part of the development plan but what they can do is shape where development will go and what it will look like. It is very important that a similar principle is applied in the Isle of Man. This is a time for grown-up discussions and debates about the future growth and development of our Island, not another mechanism to prevent the building of new homes, and this proposed legislation really must not be seen as a nimby's charter.

There is also a need to consider the resource implications in relation to this, certainly the UK benefits from having the ability to access a wide range of professionals who are able to assist in neighbourhood planning. With some this assistance is provided on a voluntary basis but good planners may well wish to charge communities for their services.

A range of different community engagement techniques have been devised to facilitate the preparation of community led plans. For example, in Scotland the government is promoting the use of 'charrettes' as a mechanism to ensure community participation in the planning process. And for those of you who are wondering what on earth a 'charrette' is, a charrette is an intensive planning session where citizens, designers and others collaborate on a vision for development. It provides a forum for ideas and offers the unique advantage of giving immediate feedback to the designers. More importantly, it allows everyone who participates to be a mutual author of the plan.

The Scottish government has made available a fund of £300,000 to assist local authorities and community groups to take this forward. The Isle of Man may not be able to undertake this level of support and local authorities or community groups may therefore need to buy in assistance from elsewhere which would add to the cost of introducing requirements to undertake this here.

There is also a time factor involved in the preparation of these plans. Depending on the nature of the community or the complexity of the issues it could take a number of years to prepare a plan so it will be important to sustain momentum and engagement throughout the process. In most cases to achieve this there will have to be some level of professional involvement to produce the plan which again will have a cost implication on the communities.

All in all, I think there is a need to consider the implications of how to achieve meaningful community involvement further and the right and proper place to do so is through the review of planning. I remain committed to devising a system which enables local people to influence their locality but this has to be at a scale appropriate to the Isle of Man.

I wish the Hon. Member luck with his endeavours to draft a workable piece of legislation and offer him whatever support I can, particularly through the policy review team which I announced last month. I will listen carefully to the Hon. Member's summing up and will be particularly interested in hearing how he would address the concerns that I have raised.

Thank you.

**The Speaker:** The Hon. Member for Castletown, Mr Ronan.

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

I sometimes wonder I am sitting in the Court of the Isle of Man Government or in the village of Royston Daisy watching a sketch of the *League of Gentlemen*. (*Laughter and Interjections*) Local plans for local people.

Mr Speaker, whilst I fully understand the reasoning behind this proposed Private Member's Bill as pointed out by the Member for Rushen and I do support the idea of local communities and local authorities actively taking part in the planning process, either through commenting on planning applications or taking part in engagement and consultation on planning policy. I am concerned that these proposals are ill thought out and lack any detail aside from basically copying a system which has only been partially rolled out across England with a population of 54 million unlike our population of 86,000.

In England, by August 2015 only 57 neighbourhood plans have been adopted out of the 1,241 areas which had started the process since the Localism Act which was introduced and part of the Localism Act was sent to us by the Hon. Member for Malew and Santon when he said he was introducing this.

There are a number of fundamental problems here in the Isle of Man if we follow a UK approach, which this proposed Bill is based on, given the internet information that the Member for Malew and Santon recently sent to all Hon. Members.

Who will resource and pay for at a local level for: plan preparation, public consultation, scrutiny at public enquiry, sign-off and publication, referendum of electorate which the Member just pointed out, referendum of electorate to approve plans?

For example, in England before neighbourhood plans can be finally adopted they need to be subject to a referendum of all electors in the area covered by the plan. The electors will get a chance to vote 'yes' or 'no' to support the plan and to get through it needs a majority 'yes' to be able to proceed with its adoption – very dangerous in this climate, I believe to adopt anything which even mirrors this.

The majority of our existing 24 local authorities have neither the people nor the skills to resource these issues adequately in the current financial environment. Where are all the extra professional planners that will be required going to come from? The Department of Infrastructure does not have the spare capacity of resources to step in and support local authorities either. There are only a handful of professionally qualified planners here on the Island, and most are already working for the Government. In the UK there is a shortage of skilled planners to meet the needs of both local authorities and the private sector and the resource for this has been added since the Localism Act came into place.

I also, Mr Speaker, shudder to think what the extra cost of neighbourhood planning will add to the rates.

Also if not managed and undertaken well, there is a real risk of the emotion of nimbyism, conflicting personalities and interests, local politics and lobbying and even warring factions coming to the fore rather than rational and sensible planning taking place. This will be a charter for nimbyism, no doubt about it, allowing small and vocal groups of residents to lobby for development either to happen or not to happen in certain places. We would run the risk that the public may believe that the future planning and direction of the Island could be hijacked by certain businesses, rich or influential individuals or groups of people with narrow self-interest. We must learn lessons from the past and not rush headlong into another change without thinking through the consequences.

How will this fit in with the existing development planning system, the Island-wide Strategic Plan and the area plans? We would be creating a third confusing tier of planning. We would be in danger of over planning the Island just adding to the bureaucracy when we need it least. With three levels of planning policy what would neighbourhood plans add?

Looking elsewhere to three Island communities, what do they have in place? Fewer plans than we have at present. Orkney, which we all know I know very well, with a population of 21,000 has a single local development plan for the island. Guernsey has in 2015 prepared a single draft development plan for its 65,000 population to replace the current development plan and two plans for urban and rural areas. Whilst Jersey, with a population of 99,500 has just one single island plan. Why would we want to have more plans and more bureaucracy at the time we are trying to attract

new business, new employment land, new area housing. The last thing we need at this time.  
(Interjection)

Here in the Isle of Man the strategic plan currently provides the overarching direction and framework for the future of the Island. The challenge for this in the future is to better link the strategic plan into the wider strategy and policy approach of Government and its constituent departments and boards. Something that I believe will be better achieved with the forthcoming transfer of planning policy from the Department of Infrastructure to the Cabinet Office.

Area plans already allocate sites and provide the opportunity to involve the local community in their preparation. The challenge is do we increase participation in the existing system? Personally I believe with the forthcoming local government modernisation and a future rationalisation of the local authority structure will mean that the area plans will have an important role into shaping those new ways of managing local government in the neighbourhood which we have affinity to.

The challenge post local authority organisation is how we get the local community to engage better. Not by radically changing the structure as the Hon. Member is trying to do. Remember that before we had the area plan system that we have already tried a local plan approach based on smaller parish sized areas. In the past the local planning system did not work and we made very slow progress in only getting partial Island coverage of local plans. Indeed, some areas still rely upon the 1982 Development Order.

The area plans were brought in to simplify and I also assume that the intention was to speed up the process. So far to date, we have only got one area plan, but that is not due to the concept being flawed, it is more about the scale of resource that we have devoted to planning policy.

In the past we have had, at times, less than 1.5 staff working on planning policy and even now we are theoretically more staff in planning policy, some of their resources are having to be devoted away from preparing the area plans into other high priority projects to support economic growth such as the marine consenting legislation and a call for employment land sites.

If we have neighbourhood plans how will we ensure that the three tiers of planning complement and do not contradict each other? It will be more or less impossible.

How do we ensure that the sum of neighbourhood plans delivers and meets our long-term strategy and expectations for economic growth just when we need it? Again, Mr Speaker, probably impossible.

How can we formulate policies on protecting the vulnerable, managing our natural resources and environment? In the UK there are real problems in some areas getting local councils to co-operate in planning across boundary issues and getting neighbourhood plans to fit with local plans. In some cases there have been significant issues with regard to under provision of land for housing or employment needs. I can remember only recently when a parcel of land which crossed borders in Castletown and Malew was basically halted because one authority did not want the housing at the major cost of the town which desperately needed it.

How would we ensure that growth of the economy is not held back? How would we ensure that sufficient new housing, including affordable housing, is provided for local people to live close to their work and families? There is a real risk that without strategic overview and direction that we would be denying our children and grandchildren their futures. This may have a real negative impact on the delivery of development on the ground. Do we want to risk creating such delay and uncertainty for business and people here? Absolutely not.

In addition, in England there have been a number of legal challenges to individual plans, planning applications and delays as planning inspectors have found neighbourhood plans unsound or planning applications not in accord with them. Do we want that to happen here? Again, absolutely not.

In conclusion, Mr Speaker, I would urge Members to reject this leave to introduce as they are not thought through, they are a copy of the English system and no thought has been given to whether they are right for the Isle of Man at this time. We will most definitely create a charter for nimbies to say no to development, risk holding back economic growth or the provision of housing where it is most needed and make the planning system more confusing and bureaucratic. It will also require

more professional planning resource that do not exist on the Island and add more burden to the ratepayer.

Finally, Mr Speaker, I would say if we do this it would be creating a policy from a bygone age, something that the Isle of Man at this time of our economy and where we need to go is absolutely the last thing we need now.

I urge Members to reject this leave to introduce.

**The Speaker:** I call on the Hon. Member for Douglas South, Mr Malarkey.

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

Mr Speaker, I totally reject everything Minister Ronan has just virtually said in his remarks. Coming from local authority, before coming back into this Hon. House, I believe that this could actually ease the burden on Planning, if done correctly.

Coming from local authority, local authority has very little say in planning and what goes on within its own town. I can only talk for Douglas, having sat on Environmental Services who looked at planning issues nearly every month and we would look at it from what we considered to be best for the town. Planning applications would come through to us that had come off the planning list for the month. And we would go through them and we would reject quite a lot of them, normally on parking issues, on over-development, on various reasons: not being right for the particular part of the town.

Now, had the developer come to us first, before putting in the planning application and spoken to the Douglas Town Council, appeals would not be happening because the applications going in would be accepted by the Council and the developers would know what was right for the area and what that local community wanted in its area. (*Interjection*) The way we –

Mr Speaker, the way we are working at the moment is: now, when a planning application goes in and Douglas Town Council rejects it, I know, having sat on many appeals, that the word of the Council is taken quite seriously by the Planning Board. So, if we reject something going forward, the Planning Committee actually have a lot of respect for what Douglas Town Council are saying and they reject it. And the next move is that the applicant then goes for a planning appeal. So then we go into planning appeal and we have to get in a planning inspector and the whole thing blows out of proportion and it drags on for six months and the cost gets exorbitant. Had the developer gone to the Council in the first place and said, 'This is what we would like to do. This is in your area. This is how we would like to move with it,' and work together with the local authorities, before they put the planning application in, I am quite sure that things could move *much* smoother and much quicker, which is what we all want to happen in our planning applications. (**A Member:** Hear, hear.)

So, I am sorry, for what Minister Ronan is saying, I can understand it is his Department that has to deal with a lot of this (*Interjection*) and maybe not every authority will be large enough to deal with it, but I felt a little bit of an insult to take that some small groups of people could then reject a planning application. (*Interjection*) That is their right! That is totally their right.

So, maybe if they worked as a community together, right, not so many planning applications would be rejected and not so many planning applications would end up going to the planning appeal stage, drawing out, costing so much money and moving forward. So, let's at least give leave to introduce and let us see what comes forward.

Everyone is saying it is a pick-up, paste and copy of the English. We do not know that. I have not got it in front of me. (**A Member:** Yes.) We do not know what is coming forward. (**A Member:** Hear, hear.) To make a statement like that is ridiculous.

Let's at least give the mover a chance to come forward and we can debate each part of it. I do actually believe that somewhere in the middle we can actually improve planning applications here, not make things a lot worse as Minister Ronan is trying to say, Mr Speaker.

**The Speaker:** Hon. Member for Douglas West, Mr Thomas.

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

**Mr Quirk:** Ex-Chairman.

**Mr Thomas:** Never Chairman of the Planning Committee. I did not take the £3,000, just did the job for free.

I prefer very much the Minister Gawne group of civil servants: the glass half-full civil servants, who worked to prepare that version of where we are in Planning and where we should be, rather than the glass half-empty civil servants who supported the Minister Ronan in a portion of his speech.

We are in a good place in Planning in the sense that we are in a much better place than we were 12 months ago. The Strategic Plan Inquiry went very well and that was a perfect example of community engagement techniques, like those described in Scotland: a group of people sitting down for three days; talk through the issues in Castletown that Minister Ronan alluded to; talk through the issues in Peel of over-development in greenfield sites and underdevelopment in the centre of town and how you could create development opportunities through conversions and refurbishments. Honestly, people from Castletown should go and talk to people from Peel and *vice versa*, to understand how to develop beautiful Manx towns, going forward in the next five or six years. That was a great example, exactly as the mover of this request for leave described it.

I also share Minister Gawne's worry, though, that we have to make sure that we end up with a policy in Planning and eventually a revision to the Town and Country Planning Act 1999 that is suitable for the Isle of Man, because we have less resources, as Minister Ronan has described and we are a smaller place. If we need one plan for the Island, so be it. Let's create the legislation such that by 2020-21 we can actually have one development plan, as they have in Jersey and Guernsey. You have persuaded me that is a good thing. Let's go out and do it and we can do that rather than using that as an example about why we should not engage the community, which I believe the Hon. Member from Castletown, (**Mr Quirk:** Malew.) Malew and Santon (**Mr Quirk:** Not yet.) was actually alluding to. (*Interjection and laughter*)

There are some great things that have gone on in Planning, starting with local authorities, in some sense, and starting with central government in other senses. For instance: back in August 2012, Mr Malarkey, the Hon. Member for Douglas South, knows that Douglas Council considered developing its own town plan, following a motion that I brought and then following on from that it worked with Government to actually put together the Central Douglas Masterplan, which we all agree has been *very* helpful. And I believe, in the west and down in the south and perhaps even up in the north, people are thinking of coming to DED to actually ask for the resources that were given to Douglas, to actually develop that plan in the same way that Douglas developed it to benefit their town.

When it comes to the referenda, if we need a referenda, my understanding is the way it works in the UK is the local authorities have to pay for that sort of thing. So to me that is a red herring. In the UK referenda for planning and all other local referenda are a decision of the local authority and they are not subject to a sanction or approval by the national government. If the local authorities feel it is helpful to actually contribute to the planning process in a positive way, so be it, let's empower them. To me that is completely in line with what the Chief Minister described when he set up the Ramsey pilot project to actually investigate how economic development in the north could actually be used to build on, to actually look for whole integrated development of all aspects of northern living. I am sure we can look to that in other parts of the Island in the future.

Also, I am very encouraged that, recently as part of the local authority transition process, Government is now relating with the Municipal Association, the organising body for local authorities and in February 2016 we have chosen together to actually have planning and the local authority involvement. The local community involvement in planning is the theme of our quarterly meeting. So, in February 2016 this will be a perfect place to consider it.

Obviously the things like the Development Management Team set up by central Government have been helpful. DED officers now understand building control better. They now understand the fixed firefighting rules better. They now understand how planning works better and that must be helpful. Working together between all of the Departments that are important for Government, to get good planning that works for everybody is important and I believe that is what we are talking about if we are talking about community engagement (**A Member:** Exactly.) and everybody working together to get good planning.

The Minister has announced the Planning Review and I feel that ultimately it might be decided that we had better roll any Bill that arises from this leave to introduce into the overall revision, but to me it is very helpful for the Member to be given a chance to work up what I believe will only be a substantive two-clause Bill to actually see how it might work.

It seems to me that the crucial aspects of what we are talking about here with localism are these: firstly, to give a legal basis for what is called a Community Improvement Fund, so that developers and other people could contribute into a fund to actually make (**A Member:** Hear, hear.) sure that the centre of towns actually benefit from development that is going on on the edge of towns and the like, just as Peel Commissioners proposed in the Strategic Plan Inquiry.

Secondly, to actually give a legal right, a legal basis for people like the Central Douglas Masterplan developers to put together a plan and bring it Tynwald so it can be approved, so it can have more weight when we are negotiating with a community and the developers.

So, where we are is the Minister in Tynwald, the other place a few weeks ago announced this planning review. Minister Ronan is currently recruiting for the Planning Committee and has got a consultation about the nature of the Planning Committee. The Minister announced that we are putting together a Planning Advisory Forum and first steps have started on that basis. We are in a good place with Planning and it can only be helpful to actually make sure that the community in all its parts: real people, businesses, interest groups, can actually all be involved.

I will be supporting this leave to introduce, but along the way it could be that we end up with a couple of clauses that can be integrated into a more general Bill.

**The Speaker:** I call on the Hon. Member for Douglas East, Mr Robertshaw.

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

This motion *really* worries me. I know it is not good form to stand against a leave to introduce but my goodness me, I do on this one!

Does a week go by without a Member in this Hon. House talking about the importance of speeding up planning? Does a week go by without that happening? We heard it earlier on from the Minister for Treasury. He mentioned planning today and its absolute importance in terms of economic development. Does a day go by outside this Hon. Court where members of the public and businesses do not mention the importance of us getting our act together on planning? The answer to both those is clearly that it is right at the top of our agenda.

If this goes forward, quite frankly, I think we should give up. (**Mr Bell:** Hear, hear.) As simple and as blunt as that.

What the Hon. Member is suggesting is a neighbourhood scheme almost identical to the UK. His words, his written submissions to us, his words since, all indicate that that is what he is looking for. So, how is it working in the UK? Well, it is not. The local planning authorities have admitted that introduction of neighbourhood plans has simply added another layer of bureaucracy, further complicating the planning system and slowing down the level of development activity. Hon. Members, Mr Speaker, you might as well change that to, 'Let's stop completely.' It would be a disaster.

Let's be simple and practical about this. Do not be beguiled by the many words from the Member for Douglas West on this one. It is simple. We have a certain capacity to achieve a certain amount

and no more. And everybody is endeavouring to move forward and this motion, this proposal, this leave to introduce is actually going to complicate the whole thing completely and I beg Members not to go down this route. It would be a disaster.

Now, the Member for Douglas West talks about the Masterplan. The Masterplan is not a comparator to this. (**A Member:** Yes, it is.) The Masterplan existed and came in under the existing arrangements. (**A Member:** Exactly.) So, it does not need any of this that the Member is suggesting in terms of (*Interjection*) leave to introduce. It is simply a material consideration for future planning. There is no reason why, without any further action, we cannot continue to pursue the concepts of masterplans around the Island in, for example, Ronaldsway, Castletown or whatever. You do not need this sort of thing to introduce a masterplan. We have proved that.

So, Hon. Members, please do not go down this route. You will crucify the progress that we are trying to bring forward on planning. It really is not the way forward.

Thank you, Mr Speaker.

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

**Mr Karran:** Vainstyr Loayreyder, can you tell me when the last time we were in this House until 5.30 p.m.? How many hours of parliamentary time are not being used?

I have to say, I have a lot of sympathy with the Hon. Member for Castletown. The things I put down: the worry is about nimbyism; the problems we have had as far as half-way houses in the community; community houses in society. We saw a classic example where some of us pleaded that the prison should have been put by the Energy for Waste Plant, not only for the waste heat which would have made a very good contribution, but there were opportunities for bringing people into the community and also for the family.

So, I have to say, as far as I am concerned, as far as the Bill concerned, I am disappointed and I think it reminds me very much of the old adage of the old German pastor: that now we see people who are part of the political structure of the Council of Ministers now being stopped having their leave to introduce, where others have been told they will never get anything through in their own name, because they are not part of that situation.

I remind Hon. Members, we are a parliamentary assembly. I remind the Hon. Member for East Douglas that the fact is we are giving them the opportunity to have leave. There is a certain amount of time that is allowed. I, personally, will defend the right for people to speak. I might not agree with them –

**Mr Robertshaw:** Mr Speaker, will the Member give way, please?

**Mr Karran:** Yes, he will.

**Mr Robertshaw:** Would the Hon. Member for Onchan just answer this? What sort of signal does he think that this leave to introduce today will send out to our community, our business people, all those wanting to see planning move forward? What signal does he expect, that if we approve this, that will go out from this House today?

**Mr Karran:** Vainstyr Loayreyder, the signal will be that maybe the parliamentary assembly actually does have some glimmer of life. That might be the thing that what we have allowed a situation is that ... And my good friend who came in 18 months or less than me, the Chief Minister, said, not so long ago on Manx Radio, his first thing was to get into Government. Well, I am afraid what we should be saying is ... 'Get into a Government Department' – it was on Manx Radio and it horrified me. I am afraid the situation, the first thing we are is parliamentarians.

I do not always agree with what any of you say, but I will defend your right to say it and I believe that your answer to this, in my opinion, is the fact that –

**Mr Quirk:** Mr Speaker, I wonder whether the Member would give way?

**The Speaker:** It is up to the Member.

**Mr Quirk:** Can I ask Mr Karran, just probably a leading question I suppose, at the end of the day: does Mr Karran think the Planning Committee and its officers are working fully up to speed? Are you not concerned, like us and others, that Certificates of Lawfulness are taking three to four years? Planning applications to be determined – this is fact, Mr Robertshaw. This is fact –

**The Speaker:** You are addressing the Hon. Member. You will have a chance to debate.

**Mr Quirk:** I am speaking to Mr Karran. Yes. I say to him, is he not aware, like others, where planning applications are not determined in time and are actually costing us a lot of money? *(Interjection)*

**The Speaker:** Mr Karran.

**Mr Karran:** I appreciate and obviously I have kept out of one of those particular cases, because of family commitments –

**Mr Quirk:** Yes, that's fine.

**Mr Karran:** – and it would be wrong for me to get involved. *(Interjection)*

But, I think the important issue here is the fact we are talking about leave to introduce. What I would like to say to the Member for East Douglas, I know that some of us are permanently rubbished and ridiculed and have done for 30 years in this House and have managed to survive even without that hostile, toxic environment. *(Interjection by Mr Quirk)* But what we need to do and what you need to do, Hon. Member, is you are given leave to introduce. You are not given approval. **(A Member: Yes.)** You are not given approval *(Interjection)* and I do worry, Vainstyr Loayreyder, that sometimes, I think we need Members to be actually put on a course in here about what is the role of an MHK, an Oltey yn Chiare as Feed, an MP for a national assembly. *(Interjection)* I personally have to say, I am very worried about this proposal here, but what I feel is more important is the fact that when did we actually –

Do you want me to give way or are you wanting speak? **(A Member: No, no.)**

When did we last sit here until 5.30 p.m. as a parliamentary assembly?

**A Member:** What on earth has that got to do with anything?

**Mr Karran:** Can I also say that when, years ago, when we did have a sort of more liberal, independent viewpoint in this House, without allegiances to different groupings, the situation was that the original Bills for Private Members' Bills on things like seatbelts, breathalysers, alcohol testing and all sorts of things, were predominantly thrown out by this House as Private Member's Bills, but it actually created the generation of that legislation coming forward.

I am not saying to the Hon. Member that I am going to support him as far as this proposal is concerned, when it comes to the detail **(A Member: Let's hear it.)**, but what I would like to say is the decency of allowing the Hon. Member to do it.

I have to say, I must congratulate the Minister for Rushen for having a more mature parliamentary outlook as far as the procedures. We are not agreeing to this, Mr Robertshaw. All we are agreeing to is let's hear what he has to say.

Let's remember, Vainstyr Loayreyder, some of us have argued, like special planning orders, until we are blue in the fact. They have been just tossed away. As I say, we could actually create that economic steadiness.

His Bill is not going to be some great own goal that –

**Mr Bell:** Yes, it is.

**Mr Karran:** – the planning system is going to collapse.

**Mr Robertshaw:** Yes, it is.

**Mr Karran:** This is a parliamentary process. It is not a planning issue until it gets Royal Assent (**Mr Quirk:** Hear, hear.) and it gets an Appointed Day Order.

So, Hon. Members, whilst I have great concerns about this as being generally on the wrong side of public opinion, when it comes to these things of half-way houses and prison, bail hostels and houses in the community, in the past, in my own constituency and I would be very concerned with that. (**Mr Quirk:** Our.) I do feel – *our* constituency, the Hon. Member for Onchan, Mr Quirk.

The situation is, I really do feel that we should allow him that opportunity for leave to introduce. Let's see what he comes up with and if it is rubbish, let's throw it out. But what might come about is that thought process of that Bill maybe ends up being the gestation period for something better, more reform at a later date.

I hope Hon. Members realise that sometimes you have got to have things done and you have got to allow them ... Just like when we tried to criminalise the sale of unroadworthy vehicles and we almost lost the debate on 'What will the poor people drive?' These issues need to be debated.

We have not sat until 5.30 p.m. on any sitting and I think we should give the Hon. Member the choice. I will defend his right to do so.

**The Speaker:** Hon. Member for Douglas South, Mrs Beecroft.

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

As usual, I will be brief in my comments.

I have listened to what other people have had to say with interest on this and there is quite a variety of opinion. But what has concerned me is that the Member who asked for leave to introduce this did circulate information for us, which was great. It gives us all an opportunity to read up on what is happening in other areas, but as far as I am concerned, nowhere did he say he was going to introduce it word for word here. And yet there seems to have been, to me, an awful lot of jumping to conclusions by various Members.

Maybe I am not reading the situation correctly, but I thought this debate was actually where we raised our concerns and then waited for him to respond to them, so we could see if he satisfactorily responded to them before we voted either way. So, I am not sure how anybody could actually make up their mind either way as to whether it was a good thing or a bad thing before we have heard what the Member has to say on this. So, I am sure we do share concerns about nimbyism and more bureaucracy, but we really do not know what he is going to suggest to overcome those legitimate concerns.

So, I am certainly going to reserve judgment on this until he has had time to respond to us in a proper manner on how he is going to go forward in the future and unless there is anything that I find really of serious concern in his summing up, I will be supporting him, because, as others have said, communities should have more of a voice (**A Member:** Hear, hear.) and it is really about how we go about it. If the Member who is bringing this motion, even if it is not concluded exactly the way people are saying it is going to be, because we have no way of knowing that yet, I hope that some good will come out of it.

So, I reserve my judgment.

**The Speaker:** Hon. Member for Douglas West, Mr Shimmin.

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

We have had a bit of a history lesson regarding the leave to introduce from the Hon. Member for Onchan, Mr Karran and indeed over the 19 years I have been in this place, that has adapted over the period of time. Because in the old days it used to be almost accepted as a given right and that has changed as we have had to look at priorities and I think that is the issue I would raise with Members today.

We have heard from the Member for Malew and Santon that he wants local people to be involved in the decision making process and indeed the Minister of Infrastructure has given an eloquent explanation of where we are and why that is something we could all sign up to. It is easy, isn't it? Allow the people who put us here to have a voice and be recognised in their local communities. Everybody is on that same page.

We then look at the implications of a large scale country such as United Kingdom, where you have tens of thousands of people making decisions and coming together, as opposed to the Island. We have one major town on the Island. We have heard eloquent speeches from two of the former Members for Douglas, how they would like to have greater input into their sort of local community.

But those of us who have been here a few years have also seen the ability of a pressure group of five people and a dog to turn over Government policy and make sure that nothing is ever done in their area and I would take the Hon. Member for Onchan to task when he is going to support this –

**Mr Quirk:** Which one?

**Mr Shimmin:** – to actually say that this is the charter to stop anything socially that is required but may be unpopular to be brought forward.

**Mr Karran:** Vote against it at the clauses stage.

**Mr Shimmin:** And the issue, then, he says about actually vote against it. So give the person, the Member the right to bring it in. I can agree with that and in the old days I have done, but more importantly now are priorities. What message are we actually sending out, when we have heard already from the Minister for Infrastructure, the issue about where we are in the planning process?

We have heard from my colleague in West Douglas today about the good, strategic plan, investigation that has just gone on and hopefully will be reported on soon. We have heard from the Member for Castletown about the progress we are making with the review of planning. The Chairman of the Planning position: 'It has never been so good.' (**A Member:** Steady on.)

My colleague for West Douglas, Mr Thomas – who most of you who are critical of Government – has stood up today and has explained to the Member for Onchan, Mr Karran, that we do not need some of these development orders. He has explained today that it has never been so good, that there is actually moving forward together. We have actually got momentum moving in the right direction with a new Chairman of Planning who is trying to drive forward innovation (*Interjection*) in some of the opportunities and yet right at the 11th hour of this administration, we are going to send a message out to all industry and all the people in our community and say, 'We are now going to allow this localism to come in.'

The idea of some of the Members who are shaking their heads: I am sorry, this is a bad bit of timing. It is an opportunist bit of timing, I do not doubt that. (**A Member:** What!) But the reality is that those of us who have lived through the Hon. Member's area –

**A Member:** When are you going to stop this?

**The Speaker:** Order. The Member has the floor.

**Mr Shimmin:** Mr Speaker, many of us in this House today understand what is going on today. The reality is that this may have merit. Certainly introducing local views into it, which already exist, but formalising that in the way that is outlined, will be a charter for a great level of debate and uncertainty for the next 12 months and it will play into the hands of some of those people who want to make sure that development is restricted.

Hand on my heart, at this stage, I think the priority for this Government and this Island is to try and sustain and grow our economy, and putting more question marks over planning at this stage for local issues ... I am getting chuntering from South Douglas in my left ear, Mr Speaker. *(Interjection)* The reality is he is looking at all of the optimistic positives (**Mr Malarkey:** Yes.) that this might bring –

**Mr Malarkey:** Give it a chance!

**Mr Shimmin:** – without any of the potential negatives. My colleague – No, I will not.

**Mr Quirk:** Mr Speaker, I wonder whether –

**Mr Shimmin:** No, Mr Speaker, I will not.

**Mr Quirk:** Ah, I thought you were my friend!

**Mr Shimmin:** The Hon. Member for Onchan has got the right to a speak in a moment. He has seconded this but has not yet spoken. He can come in a second.

My colleague for West Douglas has talked about some of the opportunities here of how this can be a glass half-full or half-empty. I would say we have got to be looking at what is in the best interests of the Isle of Man and what the glass, for me, which is half-full, is actually saying, 'We are going to grow the population of this Isle of Man. We are going to grow the economy of this Island.' And we do not do that by putting yet another nail in the coffin of planning which has been, for the last 19 years, one of those areas that we have all collectively failed to deal with.

Please do not go into this populist, political manoeuvre at this stage in the House (**Mr Robertshaw:** Hear, hear.) in order to actually say that this will help localism. It will not. It will put in a charter that most of us will find untenable when it comes to be actually drafted and it will then be looking as if you are not trying to support your local community.

All of us who have been here and the Hon. Member, again, has complimented Ramsey. There are many ways of skinning this cat. There are many ways of improving planning and many of those are already some distance down the road.

You look at local authority reform. We have never been in such good position for local authority reform, to actually try and work with the Minister for Infrastructure, to bring those people together, to work collectively for the benefit of our people and to actually get them into groups of people of sufficient size to actually have an influence.

I commend the mover of this because I think he has tapped into something which will be supported within this House. I would say to those of you who are supporting this leave to introduce, you are giving the anti-lobby for business development the opportunity to win.

Please do not walk away from this. (**A Member:** Rubbish.) Naïve ... Mr Speaker, once again, the comments of 'rubbish' – fine. All I can do, *(Interjection by Mr Malarkey)* Mr Speaker, is to continue to turn round –

**Mr Malarkey:** Mr Speaker –

**Mr Shimmin:** No.

**The Speaker:** The Member is not giving way, Hon. Member.

**Mr Shimmin:** Mr Speaker, this was brought in on occasions to interrupt people when they are speaking to try and make a clear point. (*Interjection by Mr Malarkey*) In the last few weeks this is a matter which is now turning around into every time somebody stands up and has an opposing voice, 'Will you give leave to sit down?' No, I will not.

The reality is that there are opportunities already in train within the planning changes that we are putting into place that are going to achieve many of these outcomes. The whole idea of reforming the planning has been going on for the last two years. The whole idea of what the Hon. Member for Malew and Santon is doing is quite possible working with the Minister and others, to actually achieve that local voice. (**Mr Gawne:** Hear, hear.)

The reality is that this can be brought in at any time but not just as you are on the cusp of local authority reform, just on the cusp of planning reform. You do not then stop all of that by introducing a new mechanism.

Mr Speaker, I do urge those of you who are coming and looking at this with open minds to consider right, where the benefit of this is to the people that you serve. The Hon. Member for Malew and Santon has not convinced me that this is anything which is genuinely good for the Isle of Man. It may be good for a small number of people who want to gather together to try and slow down the planning process because they do not like the types of planning. The Hon. Member comes from an area which has got a history in doing that, and I am sorry that he disagrees with me but I have an equal right, as Mr Karran says, to disagree with you, sir. (*Interjection*)

Therefore I do not believe that this is done for the right intentions or the right time. I think it will probably go through, but when it actually comes forward for consideration by this House I actually think then those of you who have supported it will have to consider whether this has the real opportunity of growing the benefit of the Isle of Man or just a little bit of localism for small communities who want a larger say. They already have that opportunity. Do not distract us with this from all the progress we are making.

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

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

I will not engage in any cross talk, really. But I want to just give some facts to the Hon. Members here today. My hon. colleague and friend from Malew and Santon is just asking for leave to introduce a part of a community planning issue. That is not in a Green Bill, it is not even in a draft Bill, he has not put an explanatory note around yet –

**A Member:** Yes he has.

**Mr Cregeen:** No, I haven't. (*Interjections*)

**Mr Quirk:** – to actually tell Members what is in there, that is the fact.

Can I also say, and these are the facts and they are also the truth, the Minister for Infrastructure is quite happy to go along with this, so I as a backbencher am getting a mixed message. We had the current Minister for DEFA who under his umbrella at the minute has a planning operation, as well as the Member for West Douglas, Mr Shimmin as well in the Cabinet Office.

Can I say to you all here today, Mr Cregeen has not put anything totally in tablets of stone. He did not say he would not consult with the Chamber of Commerce, he did not say he would not consult with local authorities or Members in this particular House who are elected by the public here today.

He did not say anything about that at all. He is quite open and honest to include that in. And I could say to you, Minister for Cabinet Office, I will not name you but –

**Mr Shimmin:** Shimmin – the name is Shimmin.

**The Speaker:** Order.

**Mr Quirk:** At the end of the day, it does not need to say that there will not be a provision in there, and is up to us in the House when we do (**A Member:** Hear, hear.) First Reading, Second Reading and clauses, and whether we accept the Bill at its final stage or throw it out.

So it will be up to Members then to say, as they do in other jurisdictions which are small as well, in comes the national need. We have done it before in the past and I should not point, Mr Speaker, but I will, when Mr Malarkey was in the House, we drew it together. We would not have built the Bowl down at the NSC if we did not have some national need to pull ourselves together in this particular House to put that down there, at the Bowl – a £3.5 million development which is used seven days a week, all the time, because the local council in that particular area would not go for it, but we did as the national parliament.

Can I just ask Members, just be a little bit sensitive out there and to give Mr Cregeen the leave that we would want. It is not stopping anything,. It is not stopping us making any decisions on the ones that are already in the system, no it is not.

In my opinion, and I promised Mr Cregeen I would not say too much about planning, that I did not want to spoil it for him, (*Laughter*) there is a lot of history in my brain, when I was the Chairman of the Planning Committee, that we failed to do which we should have done at the particular time. But we have had ... let me get it right, one, two, three, we are on the fourth chairman now and we should have had some continuity. One of those chairmen should have stayed there longer and done some of this work.

At the end of the day I would say to you that when people do challenge a planning application, we have got a mechanism now: we charge. If it is a frivolous challenge to an inspector –

**Mr Shimmin:** How many times?

**Mr Quirk:** There is a charge there which was done in this House. I did not accept that principal because at the end of the day I still think a person should have a right, if he thinks that something is happening in his constituency area that is wrong, he still has to be heard and then that it is up to then an independent person to do it.

But, Hon. Members, at the end of the day we are a national parliament. We could put a clause in; I would support that clause if one of the Ministers puts it together. But national need, if there is a national need to do something, like there is in Peel, we would do it – take the consequences in this particular House on our chin and do that work and support that Member to push things forward. Instead the people, my friends in Peel as well have lost out for a number of years because the local authority did not do something, and I will leave it at that.

But I would encourage Hon. Members, do not look at what may be in the mist; it is what that Member puts down and your conversations with him, give that man the right.

**The Speaker:** I call on the mover to reply, Mr Cregeen.

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

A bit of an interesting debate there on a *proposal*. Firstly I would like to thank my seconder for his support and also Minister Gawne. I am happy to work with the Minister and for the Member, Mr Thomas, and other Members regarding the construction of this Bill.

And I will make one thing clear from the start, would Members please indicate, I have spoken to at least two of the major builders on the Isle of Man and the Construction Forum and I have mentioned my proposals to bring forward this Bill, and to date, I have not had any objections to it. Now if any Member who has been talking today, saying, 'Oh, this is going to be the downfall of the industry', and whatever, please raise your hand if you have spoken to them about this and if they have raised any concerns.

So nobody has spoken to the industry, (*Interjections*) yet they are speaking about it and how they are going to oppose it.

**The Speaker:** Hon. Member, this is not a classroom where you put your hands up to indicate anything.

**Mr Cregeen:** They did not indicate anyway.

**The Speaker:** Address your remarks through the Chair, please.

**Mr Cregeen:** And I think part of the thing here is that this is about putting a Bill together, like the Hon. Member, Mr Thomas, said and working with the planning system and this does include work with developers on developing this plan. So it is not just people who want to object to it, it is working with developers. And if the Hon. Member, the Chairman of the Planning Committee had looked further than just one objection, he would have found out that developers actually agreed with some of these neighbourhood plans because it actually speeded up the planning process, (**Two Members:** Hear, hear.) (**A Member:** Absolutely.) because it actually had buy-in from the start. (**Mr Malarkey:** Exactly.)

So it is all very well picking out a piece from the internet and saying it is one local authority that say this. I went and spoke to the Director of Planning about my proposal on this –

**Mr Quirk:** Who is that?

**Mr Cregeen:** – and Minister Ronan virtually had the same speech that I got from him. And when I asked him about who opposes this, because I have searched across the internet regarding this, he came back to me, 'well, the planning magazine', so his own planning people objected to it because it actually made things simpler, it included the communities and it included the developers. And it just came a bit surprising that, considering that Minister Ronan came here on the back of localism and before he became a Minister he was all about localism, and now he has changed his mind that localism is not what we want – it is surprising what a title makes.

He went on to say about three confusing levels of planning, so is he admitting that he has already got two confusing levels of planning?

**Mr Quirk:** More than that.

**Mr Cregeen:** We had the Southern Area Plan which was approved in Tynwald and yet the Hon. Member for Castletown came back and asked for an amendment to it to include a development order in Castletown – nimbyism, is it?

**Mr Ronan:** It did not come back for an order; it was already in it – if you read it.

**The Speaker:** Order.

**Mr Cregeen:** Then we have got other areas that ... yes, I sent round what they have brought into the UK, this is just a draft of what they actually did, it does not mean that I am going to bring that in here. **(Mr Quirk: Concept.)**

It is a concept of actually giving the communities a say in how they want them to look. People are fed up of having planning done to them; developers are fed up of going to planning and getting different bits of advice, this actually gives them some input. I went out and I have spoken to them, I will go out and speak to the developers again and speak to the local authorities, that is all part of actually going through with the Bill is going through the consultation part.

So it will be going into the full consultation with developers, with local authorities and we will be talking to Departments and the planners to see what is best for us. It does not mean that it will be actually slowing down the planning process. I believe that once we have a Bill that is concise, then it will actually assist the speed of planning.

Minister Shimmin was saying that with the current Chairman of the Planning Committee things are moving along quickly. He is only here until September, Hon. Members. *(Interjection by Mr Shimmin)* You do not know what you are going to get after then and that is why we need a clear decision about where planning is going to go. **(A Member: Hear, hear.)**

We already have legal challenges under the current planning system and Members were talking as if we do not. How many times does an appeal come in and how long does it take for a planning application to be dealt with? Some are over a year and are you saying that that is the correct system? Surely with the buy-in with the local authorities, with the residents, with the developers this will actually speed up the development rather than hinder it.

I would urge Members to give leave to introduce this, we can work to make this better, even if it morphs into the process that the Minister for Infrastructure and Mr Thomas bring into their Bill, but it needs something to be done to actually streamline the system.

We are told that it was actually going to take resource away from a really dedicated team that were speeding along with the area plans, yet the Minister said he has got one and a half people working on this, how is that going to speed through the process? We need something outside your Department I am afraid, Minister, to actually help you along to come forward with some plans. It will help the communities develop their facilities as well.

How many years have Hon. Members complained about the big developers putting in 300 or 400 houses and then not having to commit to any of the infrastructure in those communities? That Government has had to pick up the tab for the roads, the sewers, the schools, and all the additional facilities, this actually puts something in there, if it is agreed, that would actually put a levy that would *help* Government develop areas.

So with that, Mr Speaker, I urge Hon. Members to give me leave to introduce this Bill, I am very happy to work with Members on it, I do not think it will slow down the process, I think it will actually improve the process, it will improve the community involvement. We would not have regeneration committees in certain areas if it did not mean that it helped with that community involvement. So with that, Mr Speaker, I beg to move.

**The Speaker:** Hon. Members, the motion is that leave be given to introduce a Private Members Bill as set out at Item 5.1. Those in favour, please say aye; against, no. The ayes have it.

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

**FOR**

Mrs Beecroft  
Mr Cannan  
Mr Cregeen  
Mr Hall  
Mr Harmer  
Mr Houghton  
Mr Karran

**AGAINST**

Mr Bell  
Mr Gawne  
Mr Peake  
Mr Quayle  
Mr Robertshaw  
Mr Ronan  
Mr Shimmin

Mr Malarkey  
Mr Quirk  
Mr Singer  
The Speaker  
Mr Thomas

Mr Skelly  
Mr Teare  
Mr Watterson

**The Speaker:** With 12 votes for, 10 against, the motion therefore carries.