

**3.2. Town and Country Planning (Amendment) Bill 2016 –
For Second Reading –
Debate commenced**

Mr Ronan to move:

That the Town and Country Planning (Amendment) Bill 2016 be read a second time.

The Speaker: We move now to Item 3.2, the Town and Country Planning (Amendment) Bill for Second Reading, and I call on the mover, the Hon. Member for Castletown, Mr Ronan.

Mr Ronan: Thank you, Mr Speaker.

This Town and Country Planning (Amendment) Bill 2016 is intended to facilitate an amendment to the Town and Country Planning Act 1999 in order to put the Planning Committee on a secure statutory footing. Importantly, it is a stand-alone, single-issue Bill. For the sake of clarity, it is separate to any future legislative changes that may arise from the wider reviews into planning being conducted both by the Environment and Infrastructure Committee and the Tynwald Select Committee in response to the Jenkins Petition.

In simple terms, the Bill does four things. Firstly, the Bill establishes that there may be a Planning Committee with statutory powers. Secondly, the Bill sets out the type of applications which can be determined by the Planning Committee as those taken by planning officers. Thirdly, it provides the powers for the Department to prepare and seek Tynwald approval for the secondary legislation to define how the Planning Committee will operate. And finally, it sets out a number of transitional provisions to allow a seamless change to the new arrangements.

Members will be aware that in the autumn of 2015 the Department formally consulted on this Bill and two draft pieces of secondary legislation were provided to indicate how we expect the Planning Committee to work.

I would now like to briefly remind Members of the background to this Bill. Following concerns raised in Tynwald, the Minister for Infrastructure advised, in the May 2014 sitting of Tynwald, that DOI, now DEFA, should seek to amend the 1999 Act to bring legal certainty to the position of the Planning Committee and bring it to the Branches as soon as possible. The Bill, therefore, is the culmination of many hours' work by the Department and the Attorney General's Chambers, and as such I would like to thank the officers involved for their assistance in getting the Bill in the position where it is before us all today.

Finally, and for the avoidance of doubt, I would like to reassure Members that we have explicit legal advice which confirms that the existing process for the appointment of the Planning Committee and all the decisions made by it are legally sound. The Bill is simply putting the situation beyond any doubt.

I look forward to hearing your views and hope that you will be able to support the Bill, Hon. Members.

Mr Speaker, I move that the Town and Country Planning (Amendment) Bill now receives its Second Reading.

The Speaker: Mr Robertshaw.

Mr Robertshaw: I beg to second, Mr Speaker.

The Speaker: Mr Robertshaw to second.
Hon. Member for Onchan, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

Just running through the Bill itself, I have some concerns regarding ... well, not a great deal of concerns regarding the Bill that is before us here today, but I am interested in the views of the Minister and other Members who form the Planning Committee and who have been Chairs as we have been going along in this particular session.

One issue is that the Planning Committee itself ... I know you are putting it on a proper legal footing. One of the concerns I did have some years ago was the appointment of the Planning Committee and making them come in *en bloc*, which from my reading of it is that if a member of the Planning Committee was either retired or ceased to exist anymore, then a member was filled in, but that was the only variation over the five-year cycle. I would have loved to have seen something where you appoint the Committee in different stages, where that would be a couple of members in one particular year, then a couple of members following on from that. So you would have continuity but you would also have fresh faces that come in.

My other concern here – and I do warn the Minister for the Department that I am potentially looking at some amendments when I get the advice of the legal draftsman; now they are happy, I will be able to get to see them – is regarding the declaration of Members' interests. I believe this is something that should have been done and should have been encompassed in the Bill.

The public and Members should have a right to see what the Planning Committee ... and I have no difficulty with the current Committee, but I may do in the future. I would need to do like Hon. Members in this House: we have a declaration of our Members' interests in the Library and it is open to the public. The same with MLCs and other organisations. There are some other organisations within Government that still have not had their declarations of interest but which are decision-makers, and I may bring something in in the future on that.

The other issue I have regarding the appointment here of that – and I would ask the Minister; I am quite happy to have written notification on this – is the meaning of 'authorised decision maker'. It does include in here:

The Chief Executive of the Department may, in writing ...

It just says 'may'. I thought it would be better with 'shall', so at least we would know who that decision-maker is when that decision is held ... a decision-maker is given to either... a political Member. It could be a political Member of the new DEFA Department – that is Mr Harmer and you, the Member for North Douglas. I would have hoped that you would have had ... If something is delegated to you, one would have it ... [*Inaudible*] 'shall' should be in existence. You should be able to see who the decision-maker was and when that decision-maker came to that decision and, whether he had reviewed that decision or not, how that decision was actually made. So I am slightly unhappy about that – probably getting it off my chest at the same time.

The other issue I am a little bit concerned about is formerly, in my time ... I would like a reassurance, because I went to a planning meeting recently ... and I will not mention the planning application, so I will not compromise myself or any other individuals, Mr Speaker, but I was quite taken aback – only probably about the third or fourth time since I have not been Planning Chairman – to look at the public session of the Planning Committee. I think it is actually disgraceful now that we do not put the notices out there we were promised some time ago. The major things are ... people are ... If the notices are not put up, things slip by. You can go to – and I hope the media will pick it up – the planning officers, the administrative officers anyway, and have it electronically sent to you. I do not know how many people are doing that now.

The other issue I have – and it is to do with the Planning Committee, when they meet – is that the public should be able to have access to the minutes and notes that are taken of a public open session.

I would also put on record that, in my observations, the three-minute talk from one organisation at a planning meeting is of concern. I think sometimes it is rushed when valid points can be made. But I do find it quite onerous, and I have not got to the bottom of it yet, where electronically you have to notify the Committee days before you are going to speak at a meeting, but it has become

the practice now that documents are sent in, in advance, for the Committee to digest before a decision or an influence can be taken. My concern here is that if somebody sends in pages of documents to the Committee and it is definitely not a three-minute speech, I wonder how do the officers monitor that and how do they look at that, and if that then is sent to the Planning Committee, how that can influence maybe the Planning Committee members, who have additional information. But most importantly, the other party to the planning application never gets to see it – well, eventually they will get to see it because it has to be put on the file. My concern is that until people actually start using this and demanding what information is in the file and have to go and look at it and to search for it... I am not saying it is overly influenced, but the Planning Committee could be influenced on that.

My major one, and where I might find real difficulty – to get something in; it is my pet hate of planning, because I do not envy the Committee or the Chairman – is that there should be a mechanism within either this or something else that comes forward, or I may put a Private Member's Bill down, for stop notices. I am absolutely fed up of the number of non-applications or developments that are built. Some of them are absolutely massive. I went to look at one at –

The Speaker: Hon. Member, can I ask how much longer do you intend to be? We can adjourn at this point, if you have more to say, until 2.30.

Mr Quirk: Sorry, Mr Speaker. I had not had any indication that anyone else was going to speak, so ... If they were, I ... [*Inaudible*]

The Speaker: That is a matter for the Chair, who is going to speak. I am simply asking you how much longer you will be, because I want to give you the full opportunity to speak without encroaching into Members' adjournment. If you want to say more, we will adjourn.

Mr Quirk: Fine.

The Speaker: Right, in that case we will adjourn until 2.30.

Mr Watterson: Mr Speaker, just a point of order. It might be convenient to the House if we did complete these Items before adjourning. I think that should be tested, so could I move that, given that Item 5 will not be moved and Item 4 would indicate that it is not a controversial matter –

The Speaker: No, Hon. Member, I have two other Members, as it happens, who wish to speak in the debate. We shall adjourn to 2.30.

*The House adjourned at 1.04 p.m.
and resumed its sitting at 2.30 p.m.*

**Town and Country Planning (Amendment) Bill 2016 –
Debate continued –
Second Reading approved**

The Speaker: Please be seated, Hon. Members.

Now, as we resume, the Member speaking was the Hon. Member for Onchan, Mr Quirk. I invite him to resume.

Mr Quirk: Thank you Mr Speaker.

Just a couple of other points and then I can pass over the baton as they say.

Members, I was just looking at this. Also, I have some criticisms regarding the use of certificates of lawfulness. I wish to put this on the record that there is a mechanism under the Planning Act for certificates of lawfulness. What I find is quite strange, though, is when a certificate of lawfulness is determined by an officer, or individuals, or even the Committee – I do not know whether that can be the case – nothing can be taken from that, or given ... It is either granted or it is not, it is not two or three things. I would require some clarification on that for the future, because if there is ambiguity in there, the certificate of lawfulness should bottom issues out.

My concern is sometimes retrospective applications, where the Department gives a leniency to a person who has done a particular alteration without permission, which can affect another party, sometimes it takes ... I believe the longest one on the go at the minute is nearly three-and-a-half years, to have determination on it. Is that right in this day and age? No, it is not. As far as I am ... it is not right for the person who has agreed, and it is not right for the person who is trying to put the application in, but I think sometimes the Department is too lenient to let them give them months and years to make an application in.

It should be like in other jurisdictions, and I hate that, where a stop notice will apply. So, therefore, the development which has not got current planning permission is stopped with immediate effect, and then the person has to rectify that by putting an application in so it can be tested.

Members, the issue here today really is, at the end of the day, there is always, in planning, a winner and a loser. But sometimes in the Isle of Man there is also a winner, a loser and a void that happens for a few years' time. I would not want to be a planning officer ... (**Mr Watterson:** Hear, hear.) if I wanted to be. But, can I say that the officers do great jobs. They may be not always right, but at the end of the day, their decisions have to be made. My concern is here that there are some issues that we should have tightened up in some other legislation – maybe it is the fault of the Members here. We should have had a debate in another place regarding planning, but we have had several in the past and I have not seen that we have moved forward a great deal.

My final thing, Mr Speaker, if I could say is there is still confusion out there to those individuals who either want to go to DOI – is planning in DOI, or is it in DEFA, or is it in the Cabinet Office, God bless them, upstairs there? They seem to get three pitches for the same issue.

So, I will leave it at that, but I will be desperately seeking some support from the Attorney General's office.

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

Mr Thomas: Thank you, Mr Speaker.

Not sure that there are always actually winners and losers in planning. I think, in actual fact, pretty much everybody gets planning approval and that has always been the case. I do not think that is one of the trends. I think issues about political chair or issues about charging for appeals, they do not seem to have had any impact on the number of approvals that people get. It is just about doing things right. That is what matters and that is the context in which my remarks should be seen.

Firstly, I wanted to thank the Department for having brought forward what was described not quite like the Minister said it, but what was described as a 'one clause amendment to the primary Act'. That was the description offered by the Minister for Infrastructure in May 2014. In June 2014, I think the expectation was that by October/November time 2014 – this was what was promised to me when I tried to bring a Private Member's Bill to achieve something like this – that we would actually have this in place by October/November, not last year, but the year before.

So I wanted to congratulate the Department, at least, for eventually having got something here. It is a shame it was not quicker. If it had been quicker, we could have been really focusing on the Strategic Plan and the Eastern Area Plan, (**Mr Quirk:** Hear, hear.) and making more development permitted, and so on and so on.

However, I just wanted to say that it was slightly, in that context, regrettable that there was actually only a five-week consultation period, and that some of the issues raised in the consultation do not, at first sight, appear to have been dealt with in this version.

So, for instance, Douglas Council in its submission raised the issue about local authority involvement in planning, which is closed off, the way that the order is drafted at the minute. And also, I think the focus all the way throughout has been on the fact that this is, if not a single-clause Bill as was originally intended, is now a single-issue Bill. But it is not actually a single-issue Bill, as I will now explain. There is a lot more in it already and what we are seeing is that other people, for instance the Member for Onchan, are trying to introduce other things that might be in it, and I have come to my own conclusion which, if you do not mind, Hon. Members, I will explain to you in as brief time as I can.

So, the first point is that what we have got here, in actual fact, is 'mission creep', and we have ended up with quite an inelegant Bill presented to us which, I for one, would be trying to amend as I have been doing for 18 months, in actual fact, during the clauses stage, if we decide to get to that stage. So, it is not just the single issue of giving a legal basis to the Planning Committee any more. What we have got inside this Bill are other things.

So, for instance, the officers and the drafters have taken the opportunity to try and clean up the way that things are delegated, which is something I raised actually, more generally, by trying to introduce an amendment myself to the Interpretation Act. So, now, we have the situation whereby this is how delegation will happen with respect to planning decisions, but this does not interfere with how it happens under section 21 of the Isle of Man Interpretation Act 1976, and it does not interfere with what happens under section 3 of the Government Departments Act 1987, and to me, that is a little bit inelegant.

I am looking at Jersey's version here, and it really is one clause, and, as far as I remember, the drafting instructions back on 12th June 2014 actually recommended the Jersey solution or if not, the one clause appointments commission, appointments solution to our legal drafters. In Jersey, it is just one clause: clause 9A of the 1999 States Law refers to the Government Delegation Act 2005 by clause, and it refers to the articles in the legislation that the Planning Committee can sort out. It actually sets up the Planning Committee and establishes a couple of principles about notices in newspaper, and, also, about how the public has got to be involved. To me that is very simple, and what we have got here is quite an inelegant solution.

Also, we have got comments in here about how the Chair is appointed, how Members are appointed, how notice is given. For the moment, I just rest my case. What we have got is mission creep and an inelegant solution because it is trying to deal in an *ad hoc* way with lots of different problems. So, my first point is, mission creep, inelegance.

The second point is that, now, it has become premature to have this Bill. The Minister very kindly referred to two reasons why it is premature but there are actually a few more. The two reasons to which the Minister referred are the fact that the Environment and Infrastructure Committee has actually agreed, and is working to terms of reference which are about planning policy and planning law, and implicitly, and even explicitly, in fact, the Minister said when describing that review that is going on in the Environment and Infrastructure Committee sub-committee, he actually said that they may comment on organisational change aspects that might be a result, and this has got organisational change in it.

Very specifically, there is a clause here which says that the planning decisions will either be made by the Planning Committee or officers of DEFA. But Douglas Council submitted that they wanted local authorities some way involved in decisions. Conceivably, as we have got other Departments involved in planning decisions, it might be that we should have this law being more enabling to say any other body, in the future, can be involved in planning decisions. Conceivably, we could decide, in line with the scope of government, that we set out planning with political decisions being made by politicians, and actual planning decisions being made independently of politicians to avoid the conflict.

So, to me, this law is flawed in the sense that it is not protecting us against what might happen in the very foreseeable future. So, therefore, if the Department insists on having this go through before July, when the review – that first review – is finished, it seems to me I will have to move amendments to futureproof it for them; but as it is premature, I would actually encourage people to think about why we are actually moving legislation at this stage.

Second point is that we have actually got a Tynwald Select Committee looking at all the legal aspects of delegations and how decisions are made. It seems verging towards disrespectful to be sorting out the answers before the Tynwald Committee has reported on what the results of the Tynwald Committee will be.

And finally, we actually have, in this House, agreed for a localism Bill to be introduced, which might have impact on what we are deciding with this legislation and the local authorities are quite concerned about how planning works and how decisions are made. For instance, the Municipal Association has actually asked to have a consideration of planning issues at the end of this month. So, the case I am making, is that rather than having this Bill, which is tending to now be piecemeal, why not wait until a beautiful Bill can be put together by the next House to actually deal with all these issues that come out the reviews that are going on at the minute?

The Minister did not say it quite as strongly as I would have said it. Basically, all decisions made under planning law at the minute are legally valid, that is what we have said before, until they are successfully challenged in court. Our Committee is investigating to what extent the amount of challenges are being made, and we are also investigating the success of those challenges. We will report back to Tynwald about it.

But at the minute everybody accepts the existence of a Planning Committee, decisions are still being made and so, therefore, it seems to be premature to actually solve a problem which would have been better to have been solved 18 months or two years ago, but now as we have got these reviews why not wait a little bit longer?

So, the staff in Planning are under pressure. They are trying to do a good job on the Strategic Plan, on the Eastern Area Plan, on permitting development, on sorting out systems. I think we should let them focus on that. To me, this could end up being a distraction and a detraction, and I think we would be better off waiting for an all-in-one rather than a piecemeal settlement for planning.

I so move, Mr Speaker.

Mr Speaker: I call on Mr Karran, Hon. Member.

Mr Karran: Vainstyr Loayreyder, I have to say that I seem to be more shocked today with the way things are going than normal, as I say, with Questions not being answered and the likes of, in this case ... Has anybody *read* this Bill? (**A Member:** Yes.) I think the Hon. Member that has just resumed his seat has been very generous towards the Government of the Isle of Man!

This Bill is potentially going to be the thing that is going to even augment that they think the whole planning process is dodgy to start off with.

You look at the situation, you look at clause 39B: 'an authorised decision maker'. Given the depletion as far as the number in the planning department, and the fact that we no longer have a conservation officer, how do you delegate the sensible applications to officers, who may or may not be qualified? What would be the best interest as far as the applicants, the objectors or the interested parties?

This Bill gives the Chief Executive of the Department wide, unspecified powers to delegate to officers, who have no democratic mandate, and who could be influenced by departmental policies of the day, to increase or reduce the amount of approvals, the potential arbitrary matters. No reference is made to the criteria that the Chief Executive may adopt as far as the selection of the applications for the arbitrary form of determination that he or she might appoint or direct staff to do

the job. At no point is there any transparency, at no point ... there is no democratic involvement. These are not words from me; these are words from people from the profession!

People from the profession who are not Liberal Vannin: these are people who have read the Bill and say what are we going to end up doing? We are going to end up being hostage to fortune.

Under 39 (3), the reconstruction of the Planning Committee is an acceptable move, but once again the delegated functions are again wide and unspecific in the Bill, another step away from democratic accountability.

If the Planning Committee is to continue, its membership should have a remit that must be drawn up tightly and the determination as far as delegation to the Planning Committee, and what would be subject to appeal. Members need to be *fully* accountable. The changes in this role as far as the executive function are amazing.

It is not as if this House ... and I know people say 'Oh, you're always dragging up the past', but if it stopped repeating the past, I might not have to drag it up. We had the Braddan Plan, and considering I had people who had interests in it, who were complaining to me about how I was too much on the side of the establishment, and to be perfectly honest with you, the things that happened after that I felt very conflicted, and that is why I tried to get off the Braddan Plan Select Committee. But the thing is that this Bill is a green light that anything goes.

I understand better than anybody that we need economic growth, as far that is concerned. I understand that if we want to provide services for our people we have got to pay for them. But this Dutch auction of going in ever-decreasing circumstances of the way we are going down here, it actually works against ... and it works against the Island and it pushes us back, if we have this situation. It pushes it back to when I was a child, where it was a matter of opportunity was on the basis of who you knew, and justice was on the basis of your postcode.

If we support this Bill, I believe that you are going to ... rightfully so. I know the press will always err on being conservative with the Government, but you will actually further damage the credibility of the whole planning position and confidence in the Island.

We saw the situation where we had the likes of the Kirk Michael Plan, and the policies of civil servants pushing things which did not stack up in planning terms. We had the situation, as I say, with the Braddan Plan, where there were arguments about civil servants abusing their position, and it was very difficult to make logical sense of where different areas got approval.

You look at the likes of this latest thing, which is another one of these which seems to be lunacy situation, where we have had a 40-page document in favour of building a new garage on the outskirts of Douglas by a planning officer. *How can you* delegate what we should be putting in to the Planning Committee to these people? That is what I would like to know.

I am with your leader, Mr Bell, as far as economic development is concerned, but I actually believe you are actually working against the thing ... and I think sometimes, especially the newer Members just want to go and read a few *Hansards*!

So if you want to further destroy confidence with this unspecific way that we deal with planning, then vote for this Bill.

There are other issues. I really do think that Members need to look at it ... and I am not looking from the fact that I have been a victim of the problems of planning, and the victim of access and all sorts of things. I am looking at this from my constituents. My constituents say that they think there is no continuity, there is no stability as far as logical thought processes with the Planning Committee. They talk against their own policies. We have it in our constituency!

I have a woman who wanted to put a second storey on her house, which she was not allowed to, under the Planning situation, yet we have a multi-national company which can put a structure up higher than my constituent –

The Speaker: Hon. Member, could you come a little closer to the terms of the legislation.

Several Members: Hear, hear.

Mr Karran: Well, it might be what people do not want to hear, (*Interjections*) but if you are going to end up delegating these functions to civil servants, expect to get this sort of stick – not from me; from people outside here –

Mr Watterson: But you as well.

Mr Karran: – because you are all responsible for primary legislation.

There are things that I would like to see as far as other things that I would like to have used this Bill for, and that is that there should be the issue of conservation. There needs to be a legal responsibility to employ a conservation officer.

I believe that in this Bill too that I would have liked to have seen a number of other issues that I feel should be addressed as far as is this Bill is concerned, because I might not agree very often with my colleague from Onchan, Mr Quirk, but I have to say issues about declaration of interests – you are delegating this to a situation. You are delegating this: you put a cow in the field, it is £3,000 or £4,000 an acre; you put a house in the field, it is £350,000 an acre. You put a factory in the field, you are talking about more likely £500,000 an acre.

And you are prepared to throw out the good governance, as far as the planning situation is concerned. You are opening up the planning situation.

If you support this Bill, it will not be a quick fix; it will create even more resentment, that no matter how much the media sits on it, more resentment of the working people – and not just working people; but people on this Island, as far as their animosity as far as the planning process is concerned ...

I think the hon. mover needs to clarify. The delegated functions, as far as these clauses of 39B and 39C. This idea of making it up as you go along will actually come back to haunt the next administration. It will actually be counter-productive to what the Hon. Member for Ramsey wants, as far as economic growth is concerned.

Hon. Members, forget the personalities, read the Bill and then think about it. I hope Hon. Members will not support this Bill, even though there are a number of things that I would like to see in this Bill, which I might try and put in this Bill, because there could be some good brought about.

But we have a Planning Committee there. No-one in a small community like the Isle of Man should have the power to say whether your land is a £3,000-an-acre piece of land or a £450,000 piece of land for ... And that is what you are doing. Read the Bill!

The Speaker: I should remind Members, of course, not to speak about particular planning applications or appeals in their own constituencies, for example, which have yet to be determined – a risky thing to do.

Hon. for Malew and Santon.

Mr Cregeen: Thank you, Mr Speaker.

If I could also go to section 39B, from my recollection, the Minister can delegate his authority to the Chief Executive, who then can further delegate his responsibilities. I think that is where it needs to be made clear in this Bill that it is actually the Minister who is delegating to his Chief Executive, who then can delegate (**Mr Watterson:** Not necessarily.) but finally ... Well, I think that needs to be clear in this Bill, about whether the Minister *is* going to be able to delegate his responsibility. It is not made clear here, and I hope the Minister can clarify that.

I hate to bring Members back a number of years, but Mr Speaker, you will remember, when you were on the Committee into the planning on the Poacher's Pocket, the number of errors that happened on that application ... My concerns are, and I seek clarification from the Minister, that on the recommendations that came out of that report, the delegated powers of the Director of Planning and Building Control be restricted so that he may not use his powers to approve conditions

over which there have been serious objections. I think that was one of the main points out of that Select Committee, that the Director of Planning and Building Control, because it said that he could act under the delegating of the Planning Committee, he decided to approve conditions which should have actually gone back to the Committee.

So I am looking for clarification from the Minister that the recommendations from the Committee which you chaired, Mr Speaker, will continue through this Bill.

For the Member for Onchan, yes, he is not the only person to have read through this Bill. I am sure most Members have read through it. Yes, sometimes you need a more legalistic opinion from somebody to see where it is going, but I think the majority of Members do read through it, and do take note.

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

Mr Cregeen: No, Mr Ronan.

The Speaker: I beg your pardon! *(Laughter)* Mr Ronan.

Mr Ronan: Thank you very much. Thank you, Mr Speaker.

I thank obviously all the Members for their remarks and contributions on this important Bill. Before I respond in full, may I remind you all of the express intent to keep this Bill focused on simply providing explicit statutory powers to enable the Planning Committee to be constituted and to take appropriate decisions. I think probably what happened in the supplementary questions to myself is that we are broadening the Bill out further than needs to be.

You have got to remember, most importantly, a lot of the issues being raised ... we have two bodies of work going on at the minute: one via the Environment and Infrastructure Planning Subcommittee, which is looking at planning at the moment, which you are all aware about; and also the Jenkins Committee, which Mr Thomas is chairing as well.

There is a lot of work going on with planning at the minute – all good, I would say. This is a fresh look at planning. This is something that the Chief Minister has wanted. It is something which we are absolutely doing.

So I just want to be clear, really, before I go into the specifics of each Member who has talked today, as well, is that we also have bodies of two orders, which have come with your papers. These are draft orders which will complement the Bill are going forward, where there is going to be ample opportunity to implement and to put in your concerns in that.

So it is not this Bill, which is a single issue Bill, may I say to Mr Thomas as well – which is based on the advice of the Attorney General's. I can remember a year ago when the concerns were raised about the statutory legality of the Planning Committee, where voices who seem to be wavering the other way now were wanting exactly what we are doing now.

So I am a little confused by a lot of this (**Mr Thomas:** Hear, hear.) and I think we just need to understand what this Bill actually is, before we start confusing things.

Mr Quirk, again, I thank you for your comments, but again, really, I think as I just said, you have ample opportunity to feed in your concerns via the two bodies of work that are going on at the minute, and also through these orders. I would strongly suggest that you do.

Also, you talked about one issue which I know has caused you quite some concern over the years, which is on stop notices. We already have powers in the Town and Country Planning Act 1999 to issue stop notices. I think what we have to say to you, sir, now is that common justice says we should need evidence, not just allegation before such actions, and I think this is clear. Again, you should be feeding this in to the bodies of work that are going on right now.

You also mention voids – things need tightening up. This is exactly what this is doing. This is exactly what this place and another place requested off the then Minister for Infrastructure and myself now, to bring this Bill forward. We have gone through the process of the Attorney General's

and this is where we are now. This is a very simple Bill, which will be added onto later through the orders and again these bodies of work that are going on through these two committees.

Mr Thomas – I always find ... You try to say you make things simple, but what you are saying is make this perfect, utopianist Bill. (Interjection) If we are going to do a Bill as you suggest, I suggest that will be two or three years down the line. Here we are, trying to clarify this simple situation on the basis of the Planning Committee, which is exactly what we are doing.

I think you say, ‘mission creep’ and you talk about Jersey. It is like the grass is always greener on the other side. I have heard you mention many times about Jersey and Guernsey – the Channel Islands. They have not got a perfect system either. WE have got to get a planning system which is right for the Isle of Man and right for the Isle of Man’s economy.

I remember coming back from a trip recently, and I bumped into two lads from Jersey. I stupidly told them what I did, and I got a right mouthful, basically, how awful Jersey was and how awful the Jersey planning situation was. So it is not perfect there, either – far from it.

You say about doing the right thing. I genuinely believe we are doing the right thing. We are following the instructions from this House. There were concerns raised, certainly from a local resident. We took Attorney General’s advice, and we are where we are today.

I think we are absolutely doing the right thing. As yourself, sir, you are very much part of this process, through the Jenkins Committee review. You have got a great, ideal opportunity to input your thoughts and visions into the planning system going forward, and Tynwald Court will debate it in due process.

As I come back to it – sorry to repeat myself, Mr Speaker – this is a very simple Bill, this work we are looking for. We are trying to complicate things where we should not really.

Mr Cregeen, again all the delegations are publicised on the website. I think the secondary legislation which you have got – the two draft orders, which are going to be finalised, set out the details of how this will operate going forward.

Certainly something on the Poacher’s Pocket – which I know is something which is close to you, and something which I know you have worked very hard on over the years – the recommendations will be kept in place as written.

So Hon. Members, I would please ask that we do not try and swamp ourselves in what I call ‘Rubik’s Cube politics’, where we are trying hard to understand what is a very simple Bill in front of us here.

Finally I would just like to close, Mr Speaker, by reminding you of the need for a simple and explicit powers on this important matter, and I beg to move that the Second Reading of this Bill now be taken.

The Speaker: Hon. Members, I put the question that the Town and Country Planning (Amendment) Bill be read for a second time. Those in favour, please say aye; against, no. The noes have it.

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

FOR

Mr Bell
Mr Boot
Mr Cregeen
Mr Harmer
Mr Joughin
Mr Malarkey
Mr Peake
Mr Quayle
Mr Robertshaw
Mr Ronan
Mr Shimmin
Mr Singer

AGAINST

Mrs Beecroft
Mr Hall
Mr Houghton
Mr Karran
Mr Quirk
Mr Thomas

Mr Skelly
Mr Teare
The Speaker
Mr Watterson

The Speaker: With 16 votes for, 6 votes against, the motion therefore carries.