



**Isle of Man**  
Government

*Reilys Eilan Vannin*

**Department of Local Government and the Environment**  
Rheynn Reilys Ynnydagh as y Chymmyltaght

Murray House,  
Mount Havelock,  
Douglas,  
Isle of Man, IM1 2SF.  
Tel: (01624) 685859  
Fax: (01624) 685873  
E-mail: ceo@dlge.gov.im  
**Chief Executive**  
**R. A. Hamilton AIPD MCM1**

**Please reply to the Chief Executive**

Our ref: RAH/AJC/315

15<sup>th</sup> May 2006

Mr D Pickard  
Chairman  
Derbyhaven Residents' Society  
4 Marine Court  
Derbyhaven  
IM9 1TS

Dear *Mr Pickard,*

**Re: Derbyhaven: Single Mansion House – Proposed Section 18 Agreement**

I am responding to your letters of 25<sup>th</sup> April 2006 and 9<sup>th</sup> May 2006 and would apologise for the delay in so doing.

Before responding to the specific points in your letter, I need to explain that the Town and Country Planning Act 1999 and the various Orders and Regulations made under that Act establish procedures for processing and determining planning applications. Those procedures are such that initial decisions are taken by the Planning Committee (or by the Director of Planning Control in certain specified circumstances under delegated authority). The Minister is the appellate body and both he and I, as his principal adviser, must remain detached from the day to day work of the Planning Section and the Planning Committee. The Minister must also be very careful not to become involved in commenting on specific proposed developments as to do so would mean that he would be unable to exercise his statutory functions in determining any appeals that might be lodged against decisions taken by the Planning Committee.

You wrote to me previously and when I replied I was relying on information given to me by the staff who advise and serve the Planning Committee. I have no personal knowledge – and nor should I have – of the deliberations of the Planning Committee and am not aware, therefore, why it was decided that a Section 18 Agreement should not be entered into, even though one was proposed at one stage.

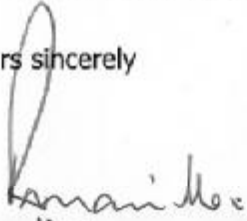
I have read the article that appeared in the Isle of Man Examiner on 18<sup>th</sup> April 2006, to which you refer in your letter. I cannot recall what precise words I used when I was contacted by a journalist from Isle of Man Newspapers but the gist of the quote is certainly correct. I, as I have explained above, have no detailed knowledge of what discussions took place or with whom but I was given to understand that there had been discussions. If I referred to them as "talks" and you feel that that is an inaccurate description, then so be it, but I was merely giving a response to a question put to me on a subject about which I could have had no detailed

knowledge. I was not commenting on behalf of the Planning Committee or on behalf of the Department – merely making a statement which I believe to be factually correct.

It would be quite wrong of me to attempt to influence the Planning Committee's proper consideration of a planning application, whether at the initial or at the review stage. The Planning Committee is entitled to decline to consider an application in any case where it considers that the application is substantially the same as an application which has been refused at any time in the previous five years. That decision is the Planning Committee's and the Committee's alone. I have not seen the planning file, nor should I. However, if those who submitted written representations asked the Planning Committee not to consider the application, I would think that the Planning Committee did consider that point before proceeding. However, it is not unusual for a developer to submit different applications over a period of time for the same site and as long as they are not considered to be substantially the same, in the view of the Planning Committee, they must be properly considered in accordance with the established procedures.

I am forwarding your letter and this reply to the Secretary of the Planning Committee but, as there may be an appeal against whatever decision the Planning Committee takes, I cannot comment further nor express a view about the specific proposals currently under consideration.

Yours sincerely



**Chief Executive**

**Copy to:** Captain A C Douglas MHK, Member for Malew and Santon  
Ms J Callow, Secretary to the Planning Committee