

# Derbyhaven: still not too late for Section 18

I AM writing with regard to your excellent article headlined 'Residents ready to fight to preserve Derbyhaven' (*Examiner*, April 18).

Residents of Derbyhaven were very disappointed with the lack of meaningful responses from Graham Ferguson Lacey and the DLGE to the main issues raised by them.

Specifically, Mr Lacey apparently would not comment on why he reneged on his promise to the residents, planners, statutory bodies and the public at large to enter into a Section 18 agreement of the Town and Country Planning Act, 'binding (him) and (his) successors to the provision of one only residential property'.

In fact, it is not too late for him to do so — he got the planning permission that he wanted and should now fulfil his side of the transaction.

The fact that he is now quoted as saying that 'he would be willing to enter into a Section 18 agreement or covenant for the 21-home plan' on the same site is, quite frankly, insulting!

With regard to adverse effects on the Area of Special Scientific Interest (ASSI), Mr Lacey states that, 'not even a blade of grass of the land proposed for development was within the ASSI area'.

I am aware that documentary proof has been submitted to the DLGE showing that the boundaries of the ASSI as drawn on his plans are inaccurate.

The DLGE has stated that its 'definition appears to reduce the defined area by around 10 metres'.

Manx National Heritage has commented that it is 'concerned that the ecological interest of the adjacent

Area of Special Scientific Interest would be adversely affected by such a substantial increase in the residential population of Derbyhaven, particularly if it results in the presence of more domestic cats'.

It went on to 'recommend that the committee refuse the application'.

Even for the single dwelling, the DAFF asked 'that there is a buffer strip (10 metres wide) of the existing semi-natural vegetation retained between the ASSI boundary and the garden area of the proposed development site'.

Mr Lacey's assertion that 'the issue of including first-time buyer homes in the area seemed to be particularly emotive for the residents' is just a red herring.

In fact, I'm sure the residents would welcome it if Mr Lacey were to use his

2004 planning consent to build a single first-time buyer house instead of a mansion house.

But all the above would have been irrelevant if Mr Lacey and the DLGE had concluded the Section 18 agreement on which all stakeholders relied.

Antony Hamilton, DLGE chief executive, is reported as confirming that 'planners did not ask Mr Lacey to sign up to one' but apparently did not offer a reason.

The public deserve an explanation. Mr Lacey's Section 18 agreement in draft form with his covering letter of 24 March 2003 should still be on file, just requiring Mr Lacey's signature.

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