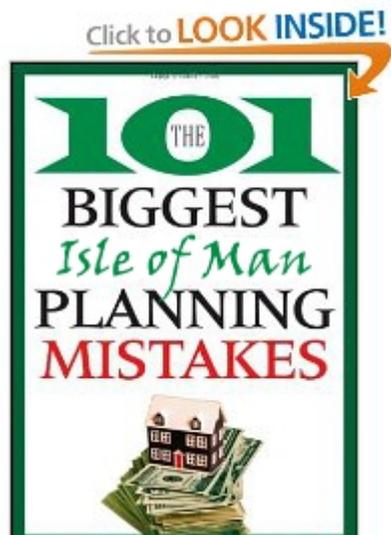


### Text of Letter to the Isle of Man Examiner as published October 22nd, 2013



#### Admission is Astonishing

Those of your readers who have had the frustration of challenging the planning authorities over procedures, decisions and delegations of authority under which the majority of planning decisions are made, may be interested in the revelations contained in this letter.

In recent years I have drawn their attention to -

- errors in the drafting of the Town & Country Planning (Development Procedure) Order 2005
- erroneous/unlawful decisions made by the Department, the Planning Committee and officers with delegated authority
- inconsistency in the wording of delegations of authority; and
- erroneous/unlawful decisions under such delegations.

## Planning Pandemonium - 'Admission is Astonishing'

Written by Trevor Cowin

Tuesday, 22 October 2013 12:57 - Last Updated Thursday, 18 September 2014 16:07

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My concerns were addressed to Michael Gallagher, director of planning, and to Ms Jennifer Chance, Development Control Officer, both of whom consistently rebutted or tried to refute them and whose advice to me was words to the effect of "If you don't like it consult a lawyer with a view to presenting a Petition of Doleance to the High Court" – at my expense, of course.

And now vindication!

In Tynwald on July 9, 2013, in relation to the Town & Country Planning (Development Procedure) (No 2) Order 2013, the Minister for Infrastructure David Cretney, MHK, said "Presently there exist a number of fundamental and significant problems in respect of the provisions, wording and interpretation of the current Town & Country Planning (Development Procedure) Order 2005.

This has the potential to seriously undermine any immediate future reliance upon the existing legislation to support the operation of the planning function in the Isle of Man. Moreover this had led to receipt of complex correspondence from individuals on vires and procedure.

To continue the current procedure will inevitably increase the potential for legal challenge, not just in respect of the procedural propriety of planning applications, but also in regard to the vires of who makes such decisions".

He went on to explain that proposals for limited changes in 2011 had been reconsidered "particularly in the light of .....issues raised by an individual in lengthy, complex and ongoing correspondence with the Department of Infrastructure and Chief Secretary's Office over the last twelve months with respect to procedural matters associated with the existing secondary legislation, standing orders and delegations".

Confirmation of the name of the individual referred to by Cretney came to me in an e-mail from Mr Gallagher in which he stated that the only reason for the review of the legislation was "In the light of concerns you have previously raised on procedural matters with the Department and the Chief Secretary's Office over the last two years.....".

## **Planning Pandemonium - 'Admission is Astonishing'**

Written by Trevor Cowin

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This is a truly astonishing admission.

Tynwald Members who were concerned by the absence of any mention of a Planning Committee in the No 2 Order 2013 may wish to satisfy themselves as to the legality of what is in place, since Mr Cretney, rather than Council, appears to have appointed a Chairman of a Planning Committee, with the remaining members of the Committee to be appointed by the Council of Ministers, but none has yet been appointed even though the Order came into operation on the August 1. They may be surprised at what they find.

Those of your readers who feel that they may have been disenfranchised by erroneous/unlawful decisions made under the 2005 Order might wish to consider their positions in the light of Mr Cretney's revelations in Tynwald referred to above.

Trevor Cowin,

Poortown Road, Peel.