



Town Hall,
Parliament Square,
Ramsey,
Isle of Man.

www.ramsey.gov.im

15th October, 2010.

Sir/Madam,

The monthly **Public Meeting** of the Ramsey Town Commissioners will be held in the Boardroom of the Town Hall, Parliament Square, Ramsey, on **Wednesday, 20th October, 2010**, at 7.00 p.m.

BUSINESS

1. Apologies for Absence: Mesdames S. P. Beattie and E. M. Bruce,
and Messrs. K. A. Crowe and L. I. Singer.

2. Minutes for Adoption: pages: 1 - 8

- Minutes of the Board Meeting held 15th September, 2010.
- Minutes of the Special Board Meeting held on 11th October, 2010.

3. Chairman's Report: page: 9

- HMS Ramsey
- Poppy Appeal
- Ramsey Town Band Subscription Concert
- Civic Duties

4. Town Clerk's Reports: pages: 10 - 37

- Ramsey Estuary ASSI Designation Response **(WD)**
- Action Pending **(Multi)**
- Building Control Act 1990 Bleak House **(WD)**
- Consultation – Night Shooting of Rabbits **(FGP)**
- New Bus Timetables **(FGP)**
- Taxi Consultation Paper **(FGP)**

5. Finance Officer's Report: **(FGP)** pages: 38 - 42

- Revenue Accounts
- Capital Account
- Quarterly Financial Return

6. Chief Technical Officer's Reports: (WD) pages: 43 - 53

- Planning Applications
- Appendices
- General Report
 - Building Control Act 1991.. Albert Road School
 - Building Control Act 1991... 5, Hespera Terrace, Lezayre road
 - Lezayre Housing Estate - Progress Report
 - Refurbishment of Properties Brookhill and Seamount Roads
 - Cooil Road Development Order Inquiry
 - Station Road Car Park Subsidence

7. Administration Officer's Report: page: 54

- Enforcement Actions

8. Public Correspondence: pages: 55 - 56

- Christmas Lights - Switch on (PL)
- Traffic Gardeners Lane (WD)
- Lezayre Parish Commissioners - Civic Sunday (FGP)
- Local Authority Induction Training Course (FGP)
- Ramsey Gardening Club (PL)

9. Any other Business:
(By permission of Chairman)

Town Clerk & Chief Executive

RAMSEY TOWN COMMISSIONERS

[PUBLIC]

A Special Meeting of the Ramsey Town Commissioners was held in the Town Hall, Parliament Square, Ramsey, on Monday 11th October, 2010, at 7.00 p.m.

Present: Cpt. N. H. Malpass, Mesdames, E. M. Bruce and E. Carlile and Messrs. Dr. A. J. Allinson, B. Beattie, K. A. Crowe, K.B. Mayne, G. K. Quayle, R. Radcliffe and W. G. Young.

Apologies: Mrs S. P. Beattie and Mr L. I. Singer

The Town Clerk was in attendance.

(2010/11:210) Ramsey Estuary – Area of Special Scientific Interest

The Commission noted the draft report prepared by the Town Clerk and circulated in advance. The Chairman thanked the Town Clerk for the preparation of a comprehensive report and sought members' comments thereon.

Mrs Carlile felt the report covered all relevant aspects and stated that it had her support.

Mr Young stated that he believed Government viewed the site as worthy of designation, he felt that the Commission should seek a compromise with a marina facility in the Old River Harbour area. The Chairman advised that the consideration was not marina based but related more to the impact of the designation upon the town. Mr Young stated that the town should not be demanding marina facilities when there was no money to do such and no will within Government to give anything to the town. Mr Young stated that where profit would have been expected through other marina projects it has not occurred, and stated that in Peel the one business which would expect to benefit, that being a chandlers, had recently gone bust.

Mr Radcliffe stated that the area identified was miniscule in comparison to similar sites within the wider area; there is no scientific evidence; the area is not natural and contains no rare or endangered species. In Mr Radcliffe's opinion the area does not meet any of the criteria. Mr Radcliffe felt the decision to designate the area was politically motivated, the decision would, if confirmed, stifle regeneration and the economy of the town, the West Ramsey development area would never be developed. The decision took no regard of the wishes of the community, and as such went against the principles of Agenda 21 and the Rio Convention.

Mr Mayne felt that the report was excellent, and should be supported, the Town should be looking to invest in what it has and not put obstacles ahead of development.

Mr Crowe felt the designation would place a block on investment in the north, and suggested that there was a lack of will to invest in Ramsey.

Dr Allinson felt the report was well structured and detailed, and should be supported.

Ramsey Town Commissioners – Special Board Meeting
11th October, 2010, Public Continued:

(2010/11:210) Ramsey Estuary – Area of Special Scientific Interest Continued:

Mrs. Bruce supported the report. The presentation given to the public on 30th September had been unconvincing; too often the scientific justification had contained the words “quite” and “interesting” when the emphasis for such decisions should be “very” and “important”.

Mr. Quayle supported the report, in his view the decision was one which was politically motivated the science being unproven and unconvincing.

Mr. Beattie expressed concern that a Government Minister could impose such a designation without any prior consultation. There are already considerable hurdles under planning and the imposition of more restrictions through the designation would not help the town.

The Chairman advised that both Mrs. Beattie and Mr. Singer, who had offered apologies, had contacted him personally, and whilst unable to vote on the subject had indicated their satisfaction with the content of the Town Clerk’s draft submission, and their strong support for a request that the designation be rescinded.

Members noted some minor grammatical amendments to the draft submission.

Resolved: it was proposed by Mr. Radcliffe and seconded by Dr. Allinson that the submission be made and that the Commission request the designation to be rescinded. The resolution was put to a vote and passed with only Mr. W. G. Young voting against.

The Town Clerk was instructed to submit the response to the Minister, copied to all Members of the House of Keys, and to bring the minute of the meeting and the response into the public agenda for the October 2010 meeting of the Commission.

(2010/11:211) Cooil Road Development Order

The Town Clerk drew Members attention to a submission being made by the Ramsey Chamber of Trade to the special inquiry in to the Cooil Road Development Order seeking that if the Order was approved conditions be incorporated restricting retail activity to car sales only.

Resolved: that the submission not be supported, the Commission remaining of the view that the Order should not be approved due to the wide availability of land zoned for development throughout the island; such land should be used before further land is zoned.

The meeting closed at 7:40 p.m.

Chairman.

**RAMSEY TOWN COMMISSIONERS
CHAIRMAN'S REPORT
OCTOBER, 2010.**

Fellow Members,

HMS Ramsey:

Lieutenant Commander A. J. T. Bush, Royal Navy, has introduced himself as the new Officer Commanding of HMS Ramsey. Alex Bush was educated in Northamptonshire and joined the Royal Navy in 1986. He is a qualified Ship's Diver and has served on HMS Active, Bicester, Atherstone and Berkeley, amongst others.

We hope that Lt. Commander Bush will enjoy his time with HMS Ramsey and we look forward to meeting him as soon as operational duties permit.

Poppy Appeal:

Once again the Town Hall will be used as the base for the 2010 Poppy Appeal. The Royal British Legion will be using facilities within the Town Hall as the Poppy Shop.

We have been advised by Mr. Nick Buckley, Head of the Poppy Appeal that almost £35 million was raised in 2009 and that the 2010 Appeal will focus on support for the "Afgan generation of the Armed Forces family".

I am sure we will do all we can to ensure the success of the Poppy Appeal and take the opportunity to record our appreciation to the Ramsey Branch of the Royal British Legion and the collectors in Ramsey.

Ramsey Town Band – Subscription Concert:

An invitation has been received from Ramsey Town Band to attend the Annual Subscription Concert at Auldyn Infants' School on Sunday, 24th October, 2010.

Civic Duties:

It has been my privilege to represent the Board at

Park Crest Residential Home Coffee Morning
Civic Sunday Jurby
Civic Sunday Maughold
Civic Sunday Castletown
Royal British Legion Band Concert

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15th October, 2010.

**RAMSEY TOWN COMMISSIONERS
TOWN CLERK'S REPORT
ACTION PENDING
OCTOBER, 2010 – PUBLIC**

Mr. Chairman and Members,

As requested the table below details matters currently pending further action following consideration by the Commission.

	Topic	Action	Notes
Chief Technical Officer's Report	Appendix	Meeting with Chairman Planning Committee / Officers	Mr Quirk has contacted the Town Clerk and undertaken to arrange a suitable time to meet along with planning officers.
Chief Technical Officer's Report	Planning Control Erection of Advertising Signs and Hoardings The Vollan	Referred to Planning Enforcement Officer	Under investigation. An application has been received for signage within the estate roads.
Public Correspondence	Control of Injurious Weeds	Further Report	Pending
Chairman's Report	Britain in Bloom	Enquiry entry qualification	Pending

Recommendation: to be noted

T. P. Whiteway
Town Clerk and Chief Executive

13th October, 2010.

**RAMSEY TOWN COMMISSIONERS
TOWN CLERK'S REPORT
RAMSEY ESTUARY ASSI DESIGNATION - RESPONSE
OCTOBER, 2010 – PUBLIC**

Mr. Chairman and Members,

Further to consideration given to the designation of the Ramsey Estuary as an Area of Special Scientific Interest, and to the Commissions response to the consultation in relation thereto, at a special meeting was held on Monday 11th October 2010.

In accordance with the instruction given the Town Clerk has now forwarded the Commissions response to the consultation, a copy of which is appended, to the Honourable J Shimmin, MHK, Minister for Environment Food and Agriculture.

Recommendation: to be noted

14th October 2010

T.P. Whiteway
Town Clerk & Chief Executive

RAMSEY TOWN COMMISSIONERS

**SUBMISSION TO THE MINISTER
FOR ENVIRONMENT FOOD AND AGRICULTURE
IN RESPONSE TO THE CONSULTATION REGARDING THE
DESIGNATION OF RAMSEY ESTUARY AS AN
AREA OF SPECIAL SCIENTIFIC INTEREST.**

Introduction

The Ramsey Town Commission having met with the Minister and Officers of the Department of the Environment Food and Agriculture, and having considered all the information presented by the Department, has considered the designation of the Ramsey Estuary as an Area of Special Scientific Interest and has considered its response thereto.

The Commission was disappointed that designation was progressed by the then Department of Agriculture, Fisheries and Forestry without the courtesy of any prior discussion with the Commission, and indeed that there was a considerable period following designation before notification was given to the local authority.

The Commission is however grateful to the current Minister and his officers for the meetings to discuss the designation, the information which has subsequently been brought into the public domain, and for facilitating a public meeting to explain the designation; at which the general public response to the proposals was easy to gauge.

The Commission's Interest

The Commission is advised that designation has been determined in accordance with Section 27 of the Wildlife Act 1990 which states:-

Section 27(1) Where the Department, after consultation with the Wildlife Committee is of the opinion that any area of land is of special interest by reason of any of its flora, fauna, or geological or physiographical features, it may notify that fact to-

- (a) the Department of Local Government and the Environment; and*
- (b) to every owner and occupier of any of that land.*

Section 27(2) A notification under subsection (1) shall have effect immediately it is served on all the persons mentioned in subsection (1) and shall continue in force until rescinded.

The Wildlife Act also provides:-

Section 27 (4) If any representations or objections are received by the Department from any of the persons mentioned in subsection (1), the Department shall consider those representations or objections and, within 2 months of the expiry of the period referred to in subsection (3)(c), shall either confirm, vary or rescind the notification and shall notify the persons mentioned in subsection (1) of its decision and the reasons for it.

The provision of section 27(4) relating to representation and objection is not prescriptive, it offers neither direction as to, nor limits, the subject matter of representations or objections and therefore, in the Commission's opinion, permits the consideration of the socio-economic and other impacts of designation during consideration by the Department of representations and objections, and the decision as to whether to rescind, vary or confirm the designation.

For the avoidance of doubt the Commission is a landowner, under section 27(1)(b) and therefore entitled to make representation to the Department under section 27(4). Similarly the Commission understands that every occupier or user of the harbour area is entitled to make submission, and would aver that as the harbour forms an integral part of the Town of Ramsey, its economy, business and community, representation should also be permitted from the wider community and residents from the town.

The Commission notes that the main land owner/occupier within the designated area is the Department of Infrastructure and would expect that in consideration of such by that Department, the present Minister, who as the Minister for Agriculture Fisheries and Forestry made the initial designation, would distance himself from consideration of this matter, his position in this matter being prejudged.

Consideration

The Commission has carefully considered the designation and the stated reasons therefore, and has also considered the impact of the designation upon existing businesses, residents, and the potential impact on investment, economic growth, development and redevelopment of the Town.

The Commission, as a body, recognises the importance which should be placed upon the Island's environment, wildlife and habitats and has supported the protection of such within Ramsey; particularly in regard to the Ramsey Mooragh Shore Area of Special Scientific Interest and through the restoration of the former town tip and the creation of the informal nature reserve area now maintained at Poyll Dooley. In supporting such; the Commission recognises that it is important to balance environmental consideration with the impact of such on the economy and life of the Island's community. There is no doubt that environmental initiatives which protect and enhance the many natural habitats and areas on the island can provide benefits to the population and contribute towards a higher standard of life than might otherwise exist, and that these initiatives should be supported, however, conversely there may also be proposals which could impact upon the population, and the economic viability of some areas, and where these circumstances exist the Commission feels that there is an obligation to consider carefully such proposals and to ensure that nothing is taken forward which will have a negative impact.

Assessment Criteria

The Department advises that sites are selected using the guidelines which have been established by the Department, after consultation with its scientific advisors and the Wildlife Committee.

The Department states in its introduction to the guideline document:-

'The purpose of the ASSI system is to safeguard a series of sites which are individually of high natural heritage importance and which collectively represent the diversity of habitats, species and geological and geomorphological features on the Isle of Man. The aim of the criteria is to provide a logical and consistent basis for site selection, using recognised nature conservation principles. The Criteria also enable Manx sites to be placed in a wider context, so that internationally threatened and vulnerable biodiversity, for which the Island has a shared responsibility, can be taken into account.'

The Department has sought to adopt assessment criteria which follow those established within the wider area of Great Britain based on a rigorous definition of what constitutes "special scientific interest." This was originally described in "A Nature Conservation Review" (Ratcliffe, 1977) and the rationale was substantially revised in recent guidelines (Nature Conservancy Council, 1989). This clearly states the objective of the Great Britain Site of Special Scientific Interest [SSSI] series:

"to form a national network of areas representing in total those parts of Great Britain in which the features of nature, and especially those of greatest value to wildlife conservation, are most highly concentrated or of highest quality."... "each site represents a significant fragment of the much-depleted resource of wild nature now remaining in this country."

Whilst it is accepted that there may be interest in having in place similar and as robust criteria for designation distinct to the Island, the Commission cannot see that it is either practical or necessary to attempt to develop such in total isolation on the Isle of Man outwith the context of the wider geographic area of Great Britain and the United Kingdom.

The manner in which the criteria have been cast for the Island, which appears to have been subject to neither consultation nor consent through any party other than the Department itself, presents an opportunity for the designation of almost any area of the Island as being unique in the Island context. Whilst this scientific nirvana may be attractive for a small proportion of the population, such provisions have the potential to impose severe and disproportionate constraints upon development, regeneration and economic activity and the Department has a duty to the community to balance those scientific aspirations with common sense.

The Island is part of a larger geographic area and whilst there may be distinct areas of real significance, the Commission would aver that there is no evidence to suggest that the Ramsey Estuary is unique in any way, nor that it represents a biodiverse habitat

RAMSEY ESTUARY ASSI DESIGNATION – RESPONSE cont

under threat, and contends therefore that its designation is not appropriate. In scientific terms there is nothing to distinguish the Ramsey Estuary from the many hectares of similar habitat in the immediate Irish Sea area, nor elsewhere throughout the United Kingdom, and it is fanciful therefore to assume that the area holds any real interest to the wider scientific community nor that it could contribute to scientific study any more than the other recognized SSSIs of similar habitat.

Review of the Natural England website quickly identifies an abundance of similar habitats, estuarine areas, of which the Ramsey Estuarine Area is measured as being 15.8 hectares including 2.31 hectares of saltmarsh. These existing areas which hold SSSI status include:-

Area	Location	Hectares
Ribble Estuary	Lancashire/Merseyside	9,223.60
Morecambe Bay	Lancashire	25,665.23
Dee Estuary	Cheshire	13,679.70
Duddon Estuary	Cumbria	6,814.00
Lune Estuary	Lancashire	6,978.00
Mersey Estuary	Cheshire/ Merseyside	6,702.14
Wyre Estuary	Lancashire	1,448.03
Upper Solway Flats & Salt Marsh	Cumbria/ Dumfries & Galloway	29,950.05
Auchencairn & Orchardton Bays	Dumfries and Galloway	177.13
Total area (hectares)		100,637.88

[Source Natural England and Registers of Scotland]

In addition the Upper Solway Flats & Marshes wider area, comprising 43,656 hectares, is recognized as having international importance and is designated as a RAMSAR Site. The Isle of Man comprises approximately 57,200 hectares in total – existing estuarine habitats within relatively close proximity extend to an area almost twice the total landmass of the Isle of Man.

The Commission is advised that consideration of the designation is undertaken on the basis of the scientific evidence available and that the evidence was considered by the Department to be sufficient to justify the initial designation. Having received a presentation from officers, and attended a further presentation given at the public meeting on 30 September, the Commission remains unconvinced that the scientific evidence presented is sufficient or robust enough to support the designation. In general the Commission believes that evidence must be able to be presented, and explained, to the extent that it is understood by lay persons. Whilst it is clear that department officers have conviction towards the protection of wildlife, the presentations made were wholly unconvincing, and clearly left recipients, both Commissioners and members of the public, with serious doubts as to the true extent of investigation and physical evidence obtained to justify the designation.

Moreover much of the reference material produced by the Department is dated, there have clearly been no recent studies of substance undertaken. No evidence exists to show that the designated area would in fact be detrimentally affected by continued,

extended or new activity or development within the Ramsey harbour area and it is clear that in any event development above the Stone Bridge is not possible due to land designations under the island's planning policies.

A Natural Area

Department Officers have described the designated area as being “natural”, when in fact the entire area has been developed by human activity and design. There is a distinct lack of recognition of the history of the area within the designation consideration. The original course of the Sulby River was altered to take it under the Stone Bridge; previously it meandered through that area of the town now occupied by Bircham Avenue and Station Road car park.

[Source Constance Radcliffe: Ramsey 1600-1800]

The river originally ran north through what is now termed the “old harbour” discharging north of the town near the Vollan, and a large lagoon existed through the [now reclaimed] areas of Market Square and the rear of Waterloo Road towards the building appropriately named “Lough House”. The mouth of the river was permanently altered with the creation of the Mooragh Lake.

The course of the Sulby River was then greatly adjusted in the 1940/50's to straighten it's meandering course through Lezayre, improving land drainage in the area, and undoubtedly impacting on the vegetation and habitats of the area. This can be seen in the following two photographs showing the comparative course of the river west of the Whitebridge towards the Garey Road.



Sulby River 1946 [RAF]



Sulby River 2006 [IOM Mapping Google Earth]

More recently the head of the Sulby River was dammed at Tholt-y-Will, creating the island's main reservoir and effectively stopping or restricting the flushing of the river during winter, which has no doubt contributed to increased silting. More recently Government has re-introduced proactive river management following river flooding which occurred in the Sulby Village area.

The Department states within its designation citation that *“the shape of the Sulby River estuary is an important factor in the maintenance of the saltmarsh area. Saltmarshes and mudflats are merely the estuary banks, the location and extent of marsh depends entirely on the morphodynamics of the estuary in which they are formed. Any change in the estuarine hydrodynamics will be expected to erode or accrete accordingly.”*

In practice the river and the designated area has been greatly influenced by human activity and development, the harbour area below the Stone Bridge is an entirely man made habitat and in no way able to be described as natural, the hydrodynamics of the upper areas are entirely man made, undertaken primarily to improve river flow. With the projected impacts of global warming, including increased rainfall, the Island will have to adapt its management of watercourses to mitigate against change and works to improve river flows, such as those recently completed at the Mill Race, Sulby, will become more necessary.

The Commission would refer to the Supplement to Guidelines for selection of biological SSSIs [Nature Conservancy Council 1989] which states:-

2.2.3 Naturalness. As with terrestrial habitat types, truly natural examples unmodified by humans are highly valued. Although the intertidal zone has generally been modified to some extent by humans (for instance, through the building of structures, disturbance, pollution, introduction of non-native species or through the claiming of intertidal areas for land), the impact on many intertidal marine habitats, communities and species is not generally as severe as for some terrestrial habitats. SSSIs will not normally extend into areas which are substantially modified by structures, mariculture, recreational use or pollution.

The Ramsey Harbour area fails to meet this criteria being substantially manmade and modified by structures, mariculture, and recreational use.

Birdlife

The Assessment Sheet provided by the Department to support designation contains a number of assumptions and misleading references including reference to bird species which are common across wide areas of the north of the island and which, in many cases, are species which whilst evident in and close to coastal areas are not influenced by the existence or otherwise of estuarine habitat. Many birds fly over estuaries that they are unconnected with and which they do not depend on – for example sparrow hawk, kestrel and osprey. In the section “Other Favourable Features” none of the breeding birds are solely dependent on the area covered by the designation. In the section entitled: “wintering/ breeding birds” cough are rare visitors to the estuary area and do not breed there, but are not uncommon on the Island, and the osprey only flies over the site occasionally but does not winter there nor does it breed on the Isle of Man. Whooper swans rarely visit the estuary, preferring northern ponds and feeding on grasslands.

Many of the other birds listed may breed in the residential areas adjacent, small copses and Poyll Dooley Nature Trails, however it is ironic that the Black Redstart should be listed; as the main place where this bird may be seen during winter months is the extreme south of the North Mooragh Beach adjacent to the “Boat Park” just outside of the North Mooragh ASSI area. It may infrequently visit the estuary area but appears to spend more time when in Ramsey on the north beach and feeds on flies and small crustaceans found on rotting sea weed.

Ringed Plover are common on the Island, a few visit the estuary and it is possible that a few breed in the area above the Stone Bridge. Species such as the kingfisher, and shag would actually benefit from an impoundment as both species frequent the Mooragh Lake as they do the Peel impoundment. The Black Redstart is more common in Peel near impounded water and this area also attracts Eider Ducks which several years ago were uncommon on the Island.

The birdlife in this area is not exceptional in Island terms.

International Conventions

The Commission believes that designation should be a matter for which consideration extends beyond scientific studies and that the socio-economic impact of the designation should be balanced against the scientific evidence.

The Department cites the Bern and OspAr Conventions and declares an intent to sign the Rio Convention under which world states adopted three major agreements aimed at changing the traditional approach to development including Agenda 21; a programme for global action in all areas of sustainable development.

This programme of action recommended ways to strengthen the part played by major groups — women, trade unions, farmers, children and young people, indigenous peoples, the scientific community, local authorities, business, industry and non-governmental organizations (NGOs) — in achieving sustainable development. The Rio Declaration on Environment and Development supports Agenda 21 by defining the rights and responsibilities of States regarding these issues. Among its principles:

- That human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature;
- That scientific uncertainty should not delay measures to prevent environmental degradation where there are threats of serious or irreversible damage.

The Commission does not believe that the designation presents a scenario which enable town residents to be “at the centre of concerns” nor that it would allow productive life “in harmony with nature” - in this proposed designation nature is clearly being ranked higher than the interest of the local population.

Section 1 of Agenda 21, [Integrating Environment & Development in Decision-Making] promotes the overall objective:-

to improve or restructure the decision-making process so that consideration of socio-economic and environmental issues is fully integrated and a broader range of public participation assured.

[Source United Nations website <http://www.un.org>].

The principle raises questions as to how the Department can seek to consider the designation of ASSI status on the basis of scientific evidence alone, and it is suggested that in order to comply with the principles of the Rio Convention consideration should be given not only to the scientific evidence but also to the socio-economic impact of the designation and the views of the local population.

23.2. One of the fundamental prerequisites for the achievement of sustainable development is broad public participation in decision-making. Furthermore, in the more specific context of environment and development, the need for new forms of participation has emerged. This includes the need of individuals, groups and organizations to participate in environmental impact assessment procedures and to know about and participate in decisions, particularly those which potentially affect the communities in which they live and work.

[Source Agenda 21]

Existing Uses

The Commission notes that the designation will provide for existing uses to continue through the provision of consents. The Commission is aware that since designation the Department has identified areas of improved environmental management in relation to the operation of the Ramsey Shipyard where the Department is working with the owner and operators to effect improvements, and assumes that similar treatment would apply to the other uses including import and export at the East Quay and the scrap metal operation on Derby Road.

The Commission and the Department are aware of other commercial operations that bound the ASSI site which would undoubtedly be affected by the designation, either through the introduction of more stringent environmental controls required to protect the designated areas special status, or through the restriction of an increase in use in order to avoid the impact of such on the designated area. A clear example of such exists in relation to the commercial port operations of the East Quay area where the islands only bulk cement import operation exists, and where the majority of bulk shipping of imported construction and agricultural materials is undertaken, and to the north quay which is one of only two sites on the Island able to be used for the shipping of waste metals for recycling off-island.

The designation therefore has the potential to impact upon existing business, some of strategic importance to the Island, and whilst the Commission accepts and supports the requirement for business and industry to not adversely affect the environment, it

does not accept that an existing urban and commercial use area should have imposed upon it the greater controls which could be imposed in order to provide the increased protection afforded to an area of special scientific interest.

The designation will result in increased levels of environmental stewardship and control, resulting in increased cost upon businesses, additional environmental and cost risk placed on developers and those considering future investment in the town. The Commission believes that this would seriously discourage future investors, who would turn to areas subject to normal planning and environmental controls.

Impact on development

On balance the Commission sees designation as being to the detriment of any future development or investment within the harbour area – and most likely to impact on any proposed future marina provision. With the harbour being focal to the town, the Commission and the townspeople are quite clear that the designation, if confirmed, would put the proverbial final nail in the towns' economic coffin.

The Department has advised that the Ramsey Estuary is considered to be the major remaining estuarine area since the completion of the Douglas and Peel water retention schemes eradicated similar areas in those towns. The Commission understands that the Peel water retention Scheme commenced in December 2003 and was completed July 2005. The Commission further understands that the Douglas water retention Scheme commenced in 1998 and was completed in 2001.

Despite the fact that these schemes have been in existence for some time, and in the certain knowledge that a marina would at some time be considered for Ramsey, the Department has undertaken no studies to determine whether any the retention scheme has had any impact, favourable or adverse, on the ecology of the rivers above the retained water level.

Similarly it is evident from the information presented that the science relies on dated reports and that again no real scientific evaluation has taken place, with respect, the department Officers are struggling retrospectively to present evidence to substantiate the designation. The designation does present itself as being a last gasp attempt to sterilise an area of indeterminate scientific value which may, or may not, be impacted upon, either adversely or favourably, by a potential water impounding scheme.

Whilst it is accepted that the Sulby River supports a number of interesting plant species there is no evidence that these would be affected by any downriver development, and impoundment of the river, in any location, could result in the establishment of habitat suited to other rare species and thereby improve scientific interest.

Peer Review of Scientific Opinion

The Commission was interested to read the submission made by J Brian Mathews, addressed to Dr. A. Sidebottom, Director of Forestry, Amenity and Lands, and published in the IOM Examiner on 7 September 2010.

Mr Mathews is the former chair of the United Nations Educational, Scientific and Cultural Organization [UNESCO] Coastal and Estuarine Regimes Working Group, and a resident of the Island. Mr Mathews, who is an experienced and recognised authority in this field provides the Minister with that which no other Island based authority can provide, an objective peer review of the recommendations made by the Department's own scientific advisors.

Mr Mathews makes a clear statement that the designation should be rescinded and states, inter alia, that *“Island coastal and estuarine ecosystems and dependent plants and animals are unexceptional. They are subject to global change and directly to changes in the Irish Sea over which we have no control. There is no valid scientific reason for this designation”*.

Summary

The Ramsey Town Commissioners would request that the Minister rescind the designation of the Ramsey Estuary as an Area of Special Scientific Interest, in its entirety, for the following reasons:-

- The scientific evidence to support the designation, both in terms of its quality and currency, is wholly unconvincing, both to the Commission and to the many residents who attended the public meeting at which officers sought to explain and evidence the designation;
- It is clear that in the context of the wider geographical area the Ramsey Estuary is neither unique, significant nor important enough to justify designation;
- There is an obligation upon Government to consider environmental decisions alongside their socio-economic impacts. The Commissioners, as elected representatives of the townspeople, see the designation as being detrimental to the economy, development and regeneration of the Town;
- The Ramsey harbour has a long history as a commercial and pleasure craft harbour, and should be permitted to continue as such without any impediment to future economically beneficial development;
- Such peer review as is available [J B Mathews] fails to support the designation in any way whatsoever.

14th October 2010

Ramsey Town Commissioners
Town Hall
Ramsey

**RAMSEY TOWN COMMISSIONERS
TOWN CLERK'S REPORT
BUILDING CONTROL ACT 1990 – BLEAK HOUSE
OCTOBER, 2010 – PUBLIC**

Mr. Chairman and Members,

On Monday 4th October 2010 the Town Clerk along with the Commissioners Advocate attended the Court of the High Bailiff His Honour J Needham following the service of summons against Pygott-White Limited, the owner of the freehold of Bleak House, Mooragh Promenade, Ramsey, for failing to comply with a Court Order made on the 15th March 2010.

In February 2010 the Commission petitioned the High Court and obtained an Order that the Respondent [Pygott-White Limited] shall by 15th August 2010 either:

- a. execute such work as is necessary to obviate the dangerous condition of the building (as identified in paragraph numbered '3.' in the report dated 6th October 2009 of MacOwan Collett Consulting Engineers); or
- b. if the Respondent so elects, demolish the building or any dangerous part of it and remove any rubbish resulting from the demolition;

The owner having failed to undertake any works was summonsed by the Commission to appear at the Court at which the owners representative, Mr Michael Morris – a shareholder and Director of Pygott-White Limited, entered a plea of not guilty on behalf of the Company.

The matter has been adjourned to a Court Hearing to be held at 10am on Monday 15th November 2010, in Douglas.

Following the Court Hearing Mr Michael Morris has issued a further circular demanding that the Ramsey Town Commissioners undertake works to fully restore the building. Following a pre-amble regarding Mr Morris's interpretation of the likely outcome of the forthcoming Court Hearing, Mr Morris states:-

2 REQUIRED ACTION

Relying upon this Court Reversal, and following RTC denial of Pygott-White's several REQUESTS for the (reimbursable) restoration of Bleak Mouse under S24, the Company hereby NOW DEMANDS that RTC will proceed forthwith to complete as a minimum such builder's work as is in their opinion necessary to obviate danger by no later than 15 Nov. 2010, being the date set for the next hearing. failure to so act will clearly and knowingly frustrate the present Court's favouring of RTC's ongoing and circular argument and petition for same work to be done.

3 WORKS FUNDING and future and existing CLAIMS

Pygott-White is a £2 Company set up for the Tenants to Own and Maintain their Building but denied such by way of Manx Establishment, both Government and Judiciary, neglect, and Carruthers/Kelly Luft breach of contract. The writer and his wife, having a joint pension income of less than £800 per month, have been contrivedly evicted, from their two Flats, de-registered by RTC. The other Tenants, Carruthers, having been given 'sheltered' accommodation, still "occupy", under Judicial 'relief', but have effectively abandoned, their 60% holding in the building. Accordingly, RTC is the only entity now having access to funding and resources for their desired 'works'. Funding will not be properly recoverable until full Restoration is effected. Interim works will produce no upward or realizable value whatsoever. Further, interim works will not arrest or reduce either ongoing Damages of not less than £5,000 per month, or ongoing, damaging, Neighbourhood Blight. Further still, any Costs (for interim work seen as excessive or surplus-to or additional to such work as is necessary for Restoration to Full Beneficial Use under the existing Leasehold Contracts) will be additional to the currently-assessed £450,000 Funding Claim presently before Government Insurers, Zurich Municipal. Further yet, the potential for a total Loss of the £1.5million Building increases all the while under ongoing, contrived, delay and procrastination. Zurich are so advised of all of this by Copy of this Demand Notice, as are Joint Fiasco Tortfeasance Partners, and it is once-again recommended that RTC undertake full S24 restoration without further, negligent, delay, recover their estimated £450,000 costs from the estimated £1,500,000 restored Value, and close-out the Fiasco forthwith.

From the content of Mr Morris correspondence it appears:-

- That Pygott-White nor Mr & Mrs Morris either do not have available, or do not wish to expend, funds to effect the restoration of the property – under normal circumstances the freehold title owner is responsible for maintenance with any costs recoverable under the terms of lease or leasehold agreements.
- That Mr Morris feels that the Commission should fund the restoration of the property in its entirety, recovering such costs which might be incurred from the proceeds of subsequent sale of leasehold interests in the flats. Mr Morris does not appear to anticipate that the Commission would obtain any benefit from the enhanced value of the restored property, as such any enhanced value would benefit the freeholder alone.

The Commission has been advised by Advocates and the Environmental Health Inspectorate that action under Section 24 of the Building Control Act [Ruinous Buildings] is not possible whilst there are outstanding matters under section 22 of that Act [Dangerous Buildings].

**Town Clerk's Report – Building Control Act 1990 –
Bleak House, October, 2010 – Public Continued:**

Section 22 of The Building Control Act does give the Commission power to undertake repairs if the owner of the building fails to comply with an Order under Sub-section 1(a) of Section 22 within the time specified. The Commission may itself execute the works required by the Order and recover from the owner the expenses reasonably incurred by it in doing so. Under the Order made by His Worship the High Bailiff on the 13th March 2010, the works are those set out in paragraph 3 of the MacOwan Collett Report of the 6th October 2009. Paragraph 3 of such report states "the building is unsafe by virtue of the unstable third floor dormer gables of heavy Manx stone construction supported on decayed and defective timber beams on the front elevation". Therefore, strictly under the terms of the Court Order made, the Commission has power to undertake such works as is necessary to obviate the dangerous condition of the building as identified in that paragraph, and is limited to such, and does not have powers to undertake works beyond such.

It should be noted that recovery under this section would be enforced against Pygott-White Limited, the freehold owner, and that this company is a £2 share company set up by Mr & Mrs Morris with the apparent intent of thereby avoiding any personal liability for the property. Mr Morris has stated previously that in the event of fine or debt action being undertaken against Pygott-White Limited, he would have no option but to liquidate that company.

On 28th September 2010 Ian MacOwan, of Mac Owan Collett, inspected the premises accompanied by the Environmental Health Inspector and the Chief Technical Officer. Mr MacOwan has reported:-

It is clear from the latest viewing and by comparison of record photographs that the structural condition of the building is continuing to deteriorate. Further significant lumps of masonry and render are working loose on the front elevation and will soon fall. The rot and deflection in the timber beams supporting the gables continues unabated and the deflection and cracking of the masonry dormer gables continues to increase.

In their present condition, the stability of the dormers cannot be guaranteed, even in the short-term. Their collapse, when it comes, will be sudden and it is not obvious how they will fall and what damage they would wreak on the floors and walls below.

It is questionable whether it is any longer economically viable to restore the building. If it is to be restored, it is recommended that action be taken immediately to secure/make safe the dormer gables and make the roof water tight.

In discussion Mr MacOwan has indicated that any internal inspection of the property would have to be very carefully considered, due to the potential danger posed by the condition thereof. Prior to undertaking any works to the property, with the exception of external works of an emergency nature, it will be necessary to undertake an asbestos survey for those areas to be accessed, and a structural and measured survey, limited to the front wall, to establish the means of strengthening the floors sufficiently to allow them to be safely accessed by contractors.

**Town Clerk's Report – Building Control Act 1990 –
Bleak House, October, 2010 – Public Continued:**

The assessment would consider whether it was practical to repair the dormer gables or whether they should be removed – Mr. MacOwan has indicated that he does not expect that it would be possible to repair the gables due to the evident downward movement of certain aspects of their structure due to the deflection of the supporting timber beams. During the process of inspection, and works, further matters related to the safety of the building may come to light.

MacOwan Collett have been asked to provide a fee proposal for undertaking the initial measured survey and for the preparation of tender documentation so that prices may be obtained, should the Commission so direct, for the repair or demolition of the front gable dormer structures. It should be noted that the extent of works required addressing the immediate danger posed by the defective gable structures, and the associated costs would form a charge on the rate fund, recoverable against the owner of the property, and that the cost thereof may run into thousands, if not tens of thousands, of pounds.

Should the Commission determine that demolition of the front dormer gables should be undertaken then a demolition direction, under section 26 of the Building Control Act 1991 would be required.

Following the completion of works to address those dangerous aspects of the building the Commission will be able to serve a notice under section 24 of the Building Control Act in relation to its ruinous condition. Such notice is able to be served on all parties, including leaseholders and occupier, and in the event of prosecution for default provides the capacity for a continuing fineable offence.

Recommendation: for discussion

T.P. Whiteway
Town Clerk & Chief Executive

14th October 2010

**RAMSEY TOWN COMMISSIONERS
TOWN CLERK'S REPORT
CONSULTATION –NIGHT SHOOTING OF RABBITS
OCTOBER, 2010 – PUBLIC**

Mr. Chairman and Members,

The Department of Environment, Food and Agriculture are seeking views on changes to the relevant legislation to enable the night-shooting of rabbits. A copy of the full document has been lodged in the Ramsey Town Library and can also be viewed online using the following link:

<http://www.gov.im/lib/docs/daff//nights shootingconsultationdocument.pdf>

The closing date for responses is the 19th of November 2010.

The department advises that the issue of rabbit control has been raised by the farming community who suggest that the rabbit population, particularly in the north of the Island, is becoming excessive.

The Department proposes to repeal the Destruction of Rabbits Order 1978 and the Destruction of Rabbits (Amendment) Order 1987 and replace it with a new Order (proposed name, Game Act 1927 (Modification) Order) to enable the shooting of rabbit at night, which is a particularly effective method of control.

The proposals within the document have been prepared in conjunction with the Isle of Man Constabulary, Manx National Farmers' Union and the Manx Game Preservation Society.

The objective of the Order is to enable farmers to control rabbits, in a manner which is humane to the animal. In addition strict controls will be required to ensure the safety of the shooter, those in the shooting party and members of the public and to regulate those permitted to shoot at night.

In addition strict controls will be required to ensure the safety of the shooter, those in the shooting party and members of the public and to regulate those permitted to shoot at night. There is also a need to regulate this activity in order to not endanger members of the general public or the shooting party or disturb members of the public, farm stock, and domestic animals. Strict measures would need to be put in place and adhered to by farmers and lampers alike.

Currently the keepers of rifles and shotguns are licence by the Isle of Man Constabulary and an ongoing monitoring process is also maintained.

The Department recognizes that the use of firearms is inherently dangerous and this is compounded by shooting during darkness or where the operator of the firearm lacks experience. It also recognizes that guns are an emotive subject in general and whereas the Isle of Man does not suffer from any meaningful misuse of firearms the sound of a gun discharging late at night may alarm members of the public.

**Town Clerk's Report – Consultation – Night Shooting of Rabbits
October, 2010 – Public Continued:**

Additionally members of the general public may be concerned with excessive noise during the evening, as may neighbouring keepers of livestock in regard to disturbance of their animals.

Amendment to Games Acts (1882-1957). Summary of proposals

Operator Competence

Individuals seeking permission to shoot at night will be required to have the authority of the Constabulary and the person responsible for the land where the activity is to take place. The Constabulary may withhold permission where they are not satisfied the applicant is sufficiently competent or experienced, or withhold permission to shoot over any lands or sections of such lands. The Constabulary may restrict the number of areas a shooter may operate at night.

As a minimum the Constabulary will require from the proposed shooter evidence that they have:

1. A good understanding of the land where night shooting is being proposed and is familiar with it during daylight hours;
2. the written permission of the person responsible for the land to shoot there (This must be lodged with the Police in advance);
3. adequate third party insurance cover;
4. relevant experience and in particular has held a fire arms certificate for at least 12 months.
5. Inform the Police a minimum of 1 hour before shooting

Responsibilities of the occupier of the land

The occupier of any land must:

1. Be aware of who is shooting on their land at all times.
2. Only permit one shooting party on his/her land at any one time during the hours of darkness
3. Only permit shooters who have a good understanding of the land where night shooting is being proposed and to be familiar with it during daylight hours.

The Constabulary may restrict the number of shooters the occupier of the land may approve.

Shooter responsibility

Night shooting will only be permitted with suppressed (silenced) rifles, shotguns or air rifles. The target must be illuminated before firing.

Individuals must carry their certificate showing night shooting permission when engaged in shooting at night.

**Town Clerk's Report – Consultation – Night Shooting of Rabbits
October, 2010 – Public Continued:**

Administrative process

Permission from the Constabulary to shoot at night will be added as an endorsement to the standard Firearms certificate. Each area of land to be used for night shooting will be specified on the certificate. Such an endorsement will only be granted were all the conditions previously listed are met.

Code of best practice for shooting at night

The Manx National Farmers' Union have agreed to prepare a Code of Best practice for night shooting which would include a requirement to inform the police at least one hour before shooting commences, together with a recommendation also to inform near neighbours.

Members will be aware that there are only limited areas within the Town Boundary where shooting might occur, the Vollan and land at and to the East of Poyll Dhooie. The existing statute permits the taking of rabbits at night during certain months by the use of lamps and dogs in the Parishes of Andreas, Ballaugh, Bride and Jurby.

The Commission may wish to consider whether it wishes to comment on the proposals given the limited impact upon the Town, although it is possible that there may be noise disturbance, and whether the hours during which shooting might take place ought to be limited.

Recommendation: for discussion

T.P. Whiteway
Town Clerk & Chief Executive

14th October 2010

**RAMSEY TOWN COMMISSIONERS
TOWN CLERK'S REPORT
NEW BUS TIMETABLES
OCTOBER, 2010 – PUBLIC**

Mr. Chairman and Members,

The Town Clerk has received an acknowledgement and response to his letter following consideration of the new Bus Services Timetables at the September meeting.

The Chief Minister has responded as follows:-

Thank you for your letter dated 22 September 2010 referring to your Commissioners' meeting of 15 September 2010.

Turning firstly to your individual points, I would reply as follows:

The Department of Community, Culture and Leisure has publicly acknowledged that the A4 launch timetable contains a number of typographical errors and a small number of anomalies. The Minister for Community, Culture and Leisure, Hon D C Cretney MHK, has clearly stated in public that all these issues will be addressed in the second edition of the timetable, which will be in the traditional A5 format and will be made available at the end of the year. In addition, he has made it clear that he wishes to see the end of the historic practice of excluding school bus service timetables from the published timetable document and that those timetables will be included in the revised A5 timetable. You may wish to know that the larger size timetable was chosen so that the new route maps could be more readily understood by passengers. You will also note that the size of the document allowed us not only the space to publish a clear map of Ramsey but also to provide a composite timetable to the rear of the document giving details of services in Ramsey and the north.

I am advised that as part of the consultation process undertaken by the former Department of Tourism and Leisure earlier this year your Commissioners, amongst others, requested a late night service to and from the northern rural areas. I note your restatement of the reasons for this. The new timetable does include such services to and from Jurby and provides for slightly earlier and later services from Bride, Andreas and surrounding areas. The Department tells me that it will include consideration of the requirements for late night services to Bride, Andreas and surrounding areas throughout the remainder of the week in its 3 monthly review process. I can also confirm that the Minister has given specific instruction to his officers that this area of demand be assessed in detail.

Previously, the service 12 Ramsey Skipper operated twice hourly, providing different loops of the town for local journeys within Ramsey. However, connections for journeys beyond Ramsey were recognised as being poor, with the service ending at 1730 hours and no evening or Sunday provision.

**Town Clerk's Report – New Bus Timetables
October, 2010 – Public Continued:**

The new services provide all of the links of the previous Skipper but using the longer distance services across Ramsey enables journeys to be provided over a longer period. Converting the resource of the Ramsey Skipper into the provision of a regular service pattern during the day and into the evenings provides improved penetration of bus services in the greater Ramsey area. Clearly, there is a balance to be struck between the needs of people wishing to make journeys only within Ramsey and the needs of people wishing to travel further afield and the Minister again informs me that he is happy to include this matter in his review.

The Department has asked me to point out that its proposals for Ramsey and the north were adjusted subject to the comments received from passengers and local authorities such as yours. For ease of reference I enclose the response sent to you by the Director of Public Transport on 5 March 2010.

Whilst the Department does not intend to engage in a wholesale reconsultation exercise, it has promised to review the impact of the new network after 3 months and has undertaken to consider your comments. If you would wish to explain any of these points in greater detail, may I suggest that you contact the Department of Community, Culture and Leisure to arrange for a suitable meeting with Minister Cretney and his officers.

The response of 5th March, referred to by the Chief Minister, came from Mr I Longworth, Director of Transport, and has been previously reported as follows:-

Thank you for your letter of 1st March 2010. Whilst your comments will be carefully considered in detail at the close of the review period on 12th March 2010 I felt that you may wish to have some initial feedback on the points you have raised.

- *I note your comments about the apparent lack of research in forming the bus review. Although the consultation document does not make it clear surveys were undertaken of both bus and car users in addition to the extrapolation of the electronic ticket machine information. Within the survey forms used the respondents were free to record details of both specific journeys made at the time of the survey as well as other journeys of desire.*
- *We are aware of the representations for Friday and Saturday evening buses to Jurby which do not feature in the bus review. Until now there has been no apparent option of economically providing such a facility in the evenings where it stood any chance of succeeding. We have explored previously options of additional funding to provide such a service but resources are currently not available.*

The bus review has received many positive comments and in particular the additional late night buses on Friday and Saturday evenings. There is still some time to go to complete the process of the review and a number of obstacles for this proposal to pass before it can be achieved. These include the charging of premium fares on late night buses after 2250 hrs.

**Town Clerk's Report – New Bus Timetables
October, 2010 – Public Continued:**

Subject to achieving this we may well be able to propose a journey from Ramsey to Peel and Douglas, Service 5, which could be diverted late in the evening to serve Jurby before regaining the normal route at Sulby. I will keep you advised of progress on this possibility.

- *We have looked into the particular issue of a connection from the North of the town to the 0910 departure on the service 3 and subject to taking a balance of other comments it is possible that we will be able to accommodate this change.*

We will be producing a summary of the consultation responses received at the time we announce our finalised plans and I will make sure you are advised accordingly at that stage.

The Commission may wish to consider seeking a further meeting with Minister Cretney and Mr Longworth to discuss the new timetables and any options which may be able to be considered to address the Commission's previously stated concerns.

Recommendation: for discussion

T.P. Whiteway
Town Clerk & Chief Executive

14th October 2010

**RAMSEY TOWN COMMISSIONERS
TOWN CLERK'S REPORT
TAXI CONSULTATION PAPER
OCTOBER, 2010 – PUBLIC**

Mr. Chairman and Members,

The Department of Infrastructure has issued further consultation documents in relation to the licensing of taxi and private hire car services.

The Department advises that taxi and private hire car services provide an efficient means of transport for visitors to the Isle of Man. They also provide an essential public transport service for those people who for health reasons cannot obtain a driving licence. This public service is also useful when anybody in the Island wishes to travel from door to door without using their car, for example when eating out or travelling to the sea terminal or the airport.

In 2001 Tynwald passed legislation to update the licensing system for the operators of Taxis, Private Hire Cars and Buses. The new law introduced a modern system of licensing based upon the quality of the service provided rather than the old system set out by an Act of Tynwald dated in 1916. The Department states that one of the final stages of this modernisation process will be to allow Taxis the freedom to pick up passengers from anywhere in the Island. This will allow better use of the existing taxi fleet by reducing the number of empty journeys made by Taxi's returning to their district to collect their next fare. This may also mean that there may be more taxis in the outlying districts as taxis from outside the existing districts will be able to pick up fares that they would not have been able to pick up lawfully under the current district licensing system.

The Legislative Background

On 1st April 2003 the Public Passenger vehicle provisions of the Act came into force. The Act created a regulatory system to govern the commercial use of all vehicles in the Isle of Man. During the first stages of implementation the Act has been used to regulate the passenger vehicle industry.

The Public Passenger Vehicles (PPV) fall into three categories. These are –

- PPV with more than 16 passenger seats
- PPV with 9 to 16 passenger seats
- PPV with 8 passenger seats or less.

There are also 3 types of authorisation available to operate a PPV commercially. These are -

- PPV Operators Licence
- Registration in Part A of the Register of Passenger Vehicle Operators
- Registration in Part B of the Register of Passenger Vehicle Operators

**Town Clerk's Report – Taxi Consultation Paper
October, 2010 – Public Continued:**

There is an exemption for charity and community PPV's from the requirement to hold an Operator's licence or be registered in either part of the Register of Passenger Vehicle Operators. There is also an exemption for car sharing arrangements.

The Act creates a regulatory system for PPV vehicles that is operated and managed by the Road Transport Licensing Committee (RTLTC) The RTLTC have an administrative function requiring them to keep the registers and lists of operator licences and to issue the required discs and plates to operators of PPV vehicles. The RTLTC also have a regulatory role which allows them to consider how a particular operator is performing and to decide whether that operator ought to be allowed to continue to operate if shortcomings are found in the way that operator is working.

The key point of the regulatory system provided for in the Act is that it provides a common operator's licence regime for all PPV vehicles regardless of their size or type of operation.

In addition to the operator licensing regime there are two service licences that can be issued by the RTLTC. There is a section 25 service licence which controls the provision of regular bus services. There is also a section 29 (s29) licence which authorises a PPV to stand or ply for hire in a road or other public place.

The consultation document deals with issues relating to s29 licence holders only.

A s29 licence is a specific authorisation which entitles the holder to use a PPV for standing or plying for hire in a road or other public place. This special authorisation is required for any person who wishes to use a PPV to ply for hire in the street. This means that a s29 licence is required for—

- A PPV that is available to be hired by a pedestrian to hail the cab by raising a hand at the side of the road,
- operators who wish to make their vehicles available to the public by standing at a Taxi Rank, and
- if the PPV is receiving instructions from a service provider, in a public place, over a radio or other means of communication.

The s29 licences are currently issued in 4 districts. A s29 licence holder is only entitled to stand or ply for hire in the district that is shown on the licence. This restricts a s29 licence holder from collecting a fare in another district unless they are aware of the job before they have left their district or they were told about it before they left their operating centre (i.e. private hire work.)

In contrast, Private Hire work can be carried out on an all island basis but it must be operated from private premises and the driver must know about all of the jobs they have to do before they leave their operating centre. If the private hire driver wishes to wait in a car park, or other public place, for a telephone call or radio message about their next job then they are standing for hire and required to hold a s29 licence, for the district that they are in, when receiving the call. This means that true private hire work must be pre-booked only and operating from private land.

**Town Clerk's Report – Taxi Consultation Paper
October, 2010 – Public Continued:**

The PPVs that are regulated under the Act have all come from the Commissioner's licensing system under the Local Government Consolidation Act 1916. In order to make a smooth transition from the old system to the new system some transitional provisions were drafted into the Act. These transitional provisions are found in Schedule 2 to the Act.

Schedule 2 to the Act maintains the quantity controls that were previously a part of the old system and district licensing.

It was Tynwald's original intention that these transitional provisions would be revoked after 1st April 2007. This would bring an end to the quantity restriction on the number of s29 licences and also make the whole island one Taxi district. This would give the whole Taxi industry the right to be hailed anywhere in the Island and to receive instructions to collect passengers wherever they are in the Island. This would give the industry a much greater amount of freedom to ensure that their vehicles are fully utilised. It would also open up the industry to further competition from new providers of Taxi services. Tynwald also recognised in the drafting of Schedule 2 that it may be necessary to give the industry the freedom to stand or ply for hire anywhere in the Island but to keep the quantity controls in place.

The Department advises that Schedule 2 to the Act gives the Department three options. These are:

Option A - To amend schedule 2 by replacing the provisions that keep district licensing and putting in place a new quantity control which would require the RTLC to take into account whether there are, or are likely to be, enough s29 licences to fulfil all reasonable needs at all times and places within the Island for the services of public passenger vehicles plying for hire. This change can be done by an Order of the Department that must be approved by Tynwald.

Option B - To revoke schedule 2 in its entirety. This will bring an end to the requirement on the RTLC to be satisfied that there are or are likely to be enough s29 licences to fulfil all reasonable needs at all times and places within a district for the services of public passenger vehicles and remove district licensing. This change can be done by an Order of the Department that must be approved by Tynwald.

Option C - To do nothing and continue with the current arrangements. Tynwald has already had the opportunity to debate an order from the Department to carry out option B and revoke schedule 2. The conclusion of the debate was the creation of a panel to carry out a consultation and take evidence from the industry and other interested parties on the changes that ought to be made to the legislation.

**Town Clerk's Report – Taxi Consultation Paper
October, 2010 – Public Continued:**

The Department has advised that the result of the extensive consultation was a set of recommendations that Tynwald has requested the Department consider in order to take this matter forward. The Department feels that the Act effectively gives the Department very little room for manoeuvre with regard to schedule 2. Option B has already been rejected by Tynwald and this leaves option A.

The remaining recommendations can be achieved without legislative change.

Tynwald Recommendations

1. Creation of a single tier taxi service for the Isle of Man - This recommendation cannot be achieved without revoking schedule 2 as suggested in Option B.
2. Maintain PH special Use vehicles - Option A will leave paragraph 5 of Schedule 2 in force. This creates a restriction on the use of vehicles with more than 8 passenger seats from carrying out the work authorised by a s29 licence. Therefore no legislative change is required to make this recommendation work.
3. Introduce an All Island PFH Service - Option A will make this change to allow all s29 licence holders the right to stand or ply for hire in a road or other public place anywhere in the Island. This will mean that Douglas Cars can receive instructions from a service provider once they have completed their job to collect a passenger in Ramsey, Peel, the Airport or Castletown. It will also mean that all of the s29 licence holders will be able to use the ranks in Douglas and at the Airport. The number of s29 licence holders will not increase unless the RTALC is satisfied that there are not enough s29 licences to fulfil all reasonable needs at all places and at all times.
4. Introduce a Legislative need or demand point to determine the issue of additional PFH licences. If Option A is approved by Tynwald then RTALC will retain the need to take into account whether there are, or are likely to be, sufficient s29 licences to fulfil all reasonable needs at all times and places within the island for the services of public passenger vehicles plying for hire.
5. Introduce financial commitment and quality regulations for new licences.

These recommendations can be achieved without legislative change.

Responses to the consultation are required to be made by 19 November 2010.

The consultation document is available in the Government website at <http://www.gov.im/Consultations.gov> and has also been lodged within the Ramsey Town Library.

**Town Clerk's Report – Taxi Consultation Paper
October, 2010 – Public Continued:**

Following to consultation period the Department has stated that it will publish a summary of responses and answer any questions; continue to work with representative groups after the formal deadline has passed in order to further inform its work; issue a draft order and pass it to Tynwald for approval.

Members will recall that this matter has been the subject of previous discussion and that the Commission has previously expressed concern that the establishment of an all-island licence would remove the restriction which presently exists requiring licence holders to operate within the regional areas for which they are licensed, and preventing them from being hailed outside those areas. The Commission has felt that this presents the potential for taxis to migrate to the Douglas area during peak times, thereby limiting the number of taxis available to service other towns and outlying areas.

In 2008 the Commission responded to an earlier consultation by the RTLC *reiterating the Commission's previous resolution that the revocation of Schedule 2 of the Road Transport Act 2001, which would have the effect of introducing an all-Island delimited Taxi service, would have a deleterious effect on the provision of Taxi services for the people of Ramsey and the North.*

The Commission is aware of the difficulties which exist in obtaining taxis in Ramsey and the North of the Island and are extremely concerned that the effect of the revocation of Schedule 2 will be that vehicles currently licensed to operate only in the north will be permitted to operate as ply for hire vehicles anywhere in the Island and will, at peak periods, seek to operate in the busier areas only particularly Douglas and the Airport.

The Commissioners are concerned that people in need of taxi services, either to travel home or to be taken to the hospital when MIU services are closed in Ramsey, will not be able to obtain a taxi to do so. As a consequence the Commission feels that more people will either attempt to walk to outlying areas at night, or simply not visit Ramsey at all, and that there will be an increase call upon the ambulance services where no other form of transport is available. The Commission believes that these impacts will similarly affect other outlying towns, villages and rural areas.

The Commission believes that consideration should be given to the following provisions within statute as a means of improvement to the present proposals:-

- *The creation of inner [Douglas] and outer licensing areas, within which consideration would be required as to the treatment of the airport;*
- *The transfer of private hire licenses to ply for hire to be done only where a vehicle is in regular use, any licenses not regularly used to become available to other or new operators thereby increasing the number of taxis operating in any area. The Commission feels it is important that any issued licenses are actively in use so as to maximise the availability of taxi services.*

**Town Clerk's Report – Taxi Consultation Paper
October, 2010 – Public Continued:**

The Commission is of the view that if a proven need for an all-Island provision is established that such be introduced in a fully organised and agreed method allowing sufficient time for necessary adjustments to be put in place.

In addition to the public consultation notice provided the Department has instigated an online survey at <http://www.surveymonkey.com/s/allislandtaxi>

Recommendation: for discussion

T.P. Whiteway
Town Clerk & Chief Executive

14th October 2010

**RAMSEY TOWN COMMISSIONERS
FINANCE OFFICER'S REPORT
OCTOBER, 2010, - PUBLIC**

Mr. Chairman and Members,

- **Revenue Accounts:**

Payments totalling £199,593.16 were made in September, 2010. Details of the net invoices paid are attached as Appendix 1.

I recommend that the Board grant approval for payment of the Revenue Accounts.

- **Capital Accounts:**

Attached as Appendix 2 are details of accounts for the month of September, 2010, totalling

£774,439.86

- **Quarterly Financial Return:**

Attached for your information, as Appendix 3, is the Quarterly Financial Return which has been submitted to the Department of Infrastructure, showing levels of expenditure and income in the first and second quarters.

**J. M. O. Bird,
Finance Officer.**

13th October, 2010.

FINANCE OFFICER REPORT	ACCOUNTS PAID TO 30 September 2010
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Supplier	Total
2e2 (IOM) Ltd	£ 185.41
AB Photography Ltd	£ 411.25
Antelle IT Ltd	£ 258.50
Appleby	£ 775.12
Ashcrofts (1997) Ltd	£ 15.03
Ayre Mowers Ltd	£ 358.26
Bertram Library Services	£ 414.51
Brew & Corkill Ltd	£ 186.12
Bridson & Horrox Ltd	£ 966.00
Cameron Hall	£ 781.48
Chas E Richmond Ltd	£ 2,848.23
Chrystals	£ 2,261.87
Cleaning Doctor	£ 367.50
Craemer UK Ltd	£ 5,926.99
Cuplas Callow (IOM) Ltd	£ 401.50
D Q Bairstow	£ 787.25
Dalrymple Associates	£ 6,170.21
Dennis Eagle Ltd	£ 1,093.15
Dickinson Cruickshank	£ 247.50
Douglas Corporation	£ 1,053.83
Dura Pump	£ 108.81
Eden Park Garden Centre	£ 7,710.19
Edwin Dennis Signs Ltd	£ 87.14
Farmers' Combine Ltd	£ 180.00
Feltons Ironmongers	£ 88.58
Fenay Safety (IOM) Ltd	£ 1,010.50
Fire Security Limited	£ 413.31
Foreman Roberts Ltd	£ 555.00
Freeport Freight Services Ltd	£ 74.65
G4S Secure Solutions (Isle of Man) Ltd	£ 2,477.65
Garden World	£ 215.25
Haldane Fisher (IOM) Ltd	£ 207.51
Hawkins & Associates Ltd	£ 135.36
Holmes Grace	£ 1,626.63
HSBC Invoice Finance (UK) Ltd	£ 1,865.48
Isle of Man Bank Ltd	£ 564,109.40
Isle of Man Government	£ 25,770.98
Isle of Man Library Services	£ 90.04
Isle of Man Newspapers Ltd	£ 730.53
J Parker Dutch Bulbs (W'sale) Ltd	£ 210.27
Lombard Manx Leasing Ltd	£ 58.75
Mac's Builders Merchant	£ 2,187.65
Manx Control Systems Ltd	£ 58.75
Manx Drain Surveys Ltd	£ 252.63
Manx Electricity	£ 19,510.50
Manx Fork Trucks Ltd	£ 358.44
Manx Telecom Ltd	£ 1,093.91
McGarrigle & Jackson	£ 1,471.16
Mezeron Ltd	£ 705.00
Mrs T Burgess	£ 96.00

FINANCE OFFICER REPORT

**ACCOUNTS
PAID TO 30
September 2010**

National Westminster Bank	£	10.00
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FINANCE OFFICER REPORT	ACCOUNTS PAID TO 30 September 2010	
Neopost Ltd	£	157.16
NK Joinery Limited Group	£	16,336.89
NLASPB	£	12,000.00
Northern Tile Centre Ltd	£	67.50
P & M Window Cleaners	£	457.02
Paul Wheeler Ltd	£	3,448.97
Phoenix Windows	£	185.04
Pickwicks	£	58.45
PKF (Isle of Man) LLC	£	6,662.25
Ramsey Tennis Club	£	136.00
Ramsey Town Commissioners	£	217.40
Raymotors Ltd	£	337.79
read - The Reading Agency Ltd	£	23.50
Sadler Agricultural Supplies Ltd	£	1,938.75
Shoprite (Isle of Man) Ltd	£	25.00
St. Paul's Bookshop	£	1,216.95
Star Services Ltd	£	270.26
Sun Safe Play Systems Ltd	£	670.22
T&GWU	£	141.60
The Post Office	£	1,319.00
The Works Ramsey Ltd	£	4,139.67
Tip Top Cleaners (2006) Ltd	£	3,325.10
Total (IOM) Ltd	£	7,996.34
Ulverscroft Large Print Books	£	798.86
Unique Fire Protection (IOM)	£	99.06
Viking Direct	£	687.22
W G Young	£	200.00
W.D.S. Ltd	£	913.23
Wade's Truck Services	£	907.69
Wolseley UK Ltd	£	117.23
Grand Total	£	723,833.93

CAPITAL ACCOUNTS PAID TO 30th SEPTEMBER, 2010

Acc. No.	Payee	Description	Amount	Total
52	Auldyn Construction Ltd	L.H.E. Phase 5		303,614.93
53	Cameron Hall	L.H.E. Phases 3 - 4		4,465.60
54	Dalrymple Associates	L.H.E. Phases 3 - 4	2000	
		L.H.E. Phase 5	2142.85	
		Brookhill / Seamount Refurb	<u>2990.82</u>	7,133.67
55		Foreman Roberts	Brookhill / Seamount Refurb	
56	Holmes Grace	Brookhill / Seamount Refurb		330.00
57	McGarrigle & Jackson	L.H.E. Phases 3 - 4	4289.1	
		L.H.E. Phase 5	<u>4117.56</u>	8,406.66
58	Transfer to General Revenue	L.H.E. Phases 3 - 4		420.01
59	Holmes Grace	Brookhill / Seamount Refurb		7,132.00
60	NK Joinery Ltd	Brookhill / Seamount Refurb		93,353.65
61	Auldyn Construction Ltd	L.H.E. Phases 3 - 4		347,003.36
62	Garden World	L.H.E. Phase 2		1,230.00
TOTAL				£ 774,439.88

**RAMSEY TOWN COMMISSIONERS
CHIEF TECHNICAL OFFICER'S REPORT
PLANNING APPLICATIONS – OCTOBER, 2010**

Mr. Chairman and Members,

Copies of the following applications have been received from the Department of Local Government and the Environment under the planning consultation procedures. The applications are listed for consideration subject to comments where appended.

REF NO: 2626 **AMENDED PLANS**
P.A. NO.: 09/01306/B
APPLICANT: Mr. Brian Radcliffe
PROPOSED: Erection of a replacement dwelling
NOTES: P.A. in Detail
SITE: **The Green Hut, Grove Mount Lane, Ramsey**

REF NO: 2777
P.A. NO.: 10/01320/B
APPLICANT: Hartford Homes Limited
PROPOSED: Demolition of existing dwelling and erection of four dwellings
NOTES: P.A. in Detail
SITE: **Palm Winds, The Vollan, Ramsey**

REF NO: 2778
P.A. NO.: 10/01322/B
APPLICANT: Mr J. Keaven
PROPOSED: Erection of a replacement dwelling
NOTES: P.A. in Detail
SITE: **5, Hespera Terrace, Lezayre Road, Ramsey**

REF NO: 2779
P.A. NO.: 10/01332/B
APPLICANT: Harmony Homes Limited
PROPOSED: Alterations to create new front entrance and first floor apartment
NOTES: P.A. in Detail
SITE: **18, Parliament Street, Ramsey**

REF NO: 2780
P.A. NO.: 10/01348/C
APPLICANT: Raymotors Limited
PROPOSED: Change of use from residential to office accommodation
NOTES: P.A. - Change of Use
SITE: **1, Brookfield Crescent, Ramsey**

Chief Technical Officer's Report
Planning Applications – October, 2010 – Public Continued:

REF NO: 2781
P.A. NO.: 10/01354/D
APPLICANT: Hartford Homes Limited
PROPOSED: Erection of temporary advertising, direction and warning signs (retrospective)
NOTES: P.A. - Advertising
SITE: **Royal Park Development, Ramsey**

REF NO: 2782
P.A. NO.: 10/01377/B
APPLICANT: Mr. R. G. Caley
PROPOSED: Additional use of dwelling as tourist accommodation
NOTES: P.A. in Detail
SITE: **Kilmuir, Ballure Promenade, Ramsey**

REF NO: 2783
P.A. NO.: 10/01388/GB
APPLICANT: B. F. Properties Limited
PROPOSED: Renovation and alterations to include replacement roof to rear outlet and installation of bathrooms (in association with 10/01389/CON)
NOTES: Registered Buildings
SITE: **18, Albion Terrace, Lezayre Road, Ramsey**

REF NO: 2784
P.A. NO.: 10/01391/B
APPLICANT: Holiday Owners Limited
PROPOSED: Installation of replacement shop fronts
NOTES: P.A. in Detail
SITE: **7 & 8, Victoria Buildings, 67, Parliament Street, Ramsey**

REF NO: 2785
P.A. NO.: 10/01397/B
APPLICANT: Mr. G. & Mrs. S. Curphey
PROPOSED: Alterations and erection of an extension to rear elevation
NOTES: P.A. in Detail
SITE: **Ardhli, May Hill, Ramsey**

Chief Technical Officer's Report
Planning Applications – October, 2010 – Public Continued:

REF NO: 2786
P.A. NO.: 10/01427/B
APPLICANT: Mr. & Mrs. J. McDonough
PROPOSED: Alterations, erection of an extension and widening of driveway and vehicular access
NOTES: P.A. in Detail
SITE: **5, Greenlands View, Ramsey**

REF NO: 2787
P.A. NO.: 10/01430/B
APPLICANT: John Richmond Esq.
PROPOSED: Erection of a storage building above and alterations to existing garages
NOTES: P.A. in Detail
SITE: **Buildings adjacent to 5, Mona Street, Ramsey**

REF NO: 2788
P.A. NO.: 10/01431/B
APPLICANT: Mr. & Mrs. J. Crellin
PROPOSED: Extensions to dwelling
NOTES: P.A. in Detail
SITE: **Thornhill Manor, Thornhill Close, Ramsey**

REF NO: 2789
P.A. NO.: 10/01461/B
APPLICANT: Mr. R. B. Corlett
PROPOSED: Demolition of existing garage and erection of a replacement garage/workshop, with store room over
NOTES: P.A. in Detail
SITE: **30, Killeaba Mount, Ramsey**

P. S. Harrison,
Chief Technical Officer

13th October, 2010

R.T.C. - CHIEF TECHNICAL OFFICER'S REPORT - APPENDIX I - SUMMARY OF PLANNING APPLICATIONS – OCTOBER, 2010

<i>P.A. No.</i>	<i>Applicant</i>	<i>Proposed</i>	<i>Site</i>	<i>R.T.C. Recommendation</i>	<i>D.o.I. Correspondence</i>	<i>Appendix II</i>
09/00708/B R.T.C. 2590	Heritage Homes Limited	Erection of two dwellings	Site adjacent to Cronk Mayn Beg and Cronk Mayn, Jurby Road	Meeting held: 20/05/09 Objection	15/09/10 Application Withdrawn	
09/01533/B R.T.C 2647	Mr. D. Maddrell	Erection of a detached dwelling and creation of a vehicular access	Land adjacent to Maughold Lodge, Claghbane Walk	Meeting held: 21/10/09 Objection	04/05/10 Application APPROVED 28/05/10 Request for APPEAL 13/07/10 Appeal to be held 11/08/10 23/09/10 Application REFUSED	1
09/01554/B R.T.C. 2649	Mr. & Mrs. A. Desmond	Demolition of existing garage and erection of a detached dwelling	Land adjacent to Okara, Crescent Road	Meeting held: 21/10/09 Objection	28/07/10 Application APPROVED 06/08/10 Request for APPEAL 14/09/10 Appeal Hearing – 28/10/10	
09/01632/B R.T.C. 2658	Mr. D. Flint	Erection of a two storey extension and decked	Lightwood, Grove Mount	Meeting held: 21/10/09 No Objection	13/07/10 Application APPROVED 02/08/10 Request for APPEAL 14/09/10 Appeal Hearing – 27/10/10	
10/00275/B R.T.C. 2714	Ms. L. Gregory	Refurbishment of existing garage and erection of two pairs of two lock up garages	Grays Gardens, rear of May Hill	Meeting held: 21/04/10 Objection	25/05/10 Application APPROVED 07/06/10 RTC requested APPEAL 21/09/10 Application APPROVED	2
10/00355/B R.T.C. 2719	Heritage Homes Limited	Erection of six dwellings (to replace four previously approved under P.A. 03/01846/B)	Plots 11 to 14 (including 11a & 13a), Auldyn Walk, Gardeners Lane	Meeting held: 21/04/10 Objection	25/05/10 Application APPROVED 07/06/10 RTC requested APPEAL 23/09/10 Application APPROVED	3
10/00453/B R.T.C. 2726	Mr. M. Tramontana	Installation of replacement windows	2, Market Hill	Meeting held: 21/04/10 No Objection	18/05/10 Application REFUSED 08/06/10 Request for APPEAL 21/09/10 Application REFUSED	4
10/00810/C R.T.C. 2752	Positive Youth	Change of use of existing shop units and adjacent mall arcade to a youth club activities centre	Units I to U, Victoria Mall, Parliament Street	Meeting held: 16/06/10 - Defer 18/08/10 - Defer	12/10/10 Application APPROVED	5

R.T.C. - CHIEF TECHNICAL OFFICER'S REPORT - APPENDIX II - SUMMARY OF PLANNING APPLICATIONS – OCTOBER, 2010

No.	P A No.	Applicant / Site / Description	Details
1	09/01533/B R.T.C 2647	Mr. D. Maddrell, Land adjacent to Maughold Lodge, Claughbane Walk Erection of a detached dwelling and creation of a vehicular access.	<p>Inspector's Assessment and Conclusion:</p> <p>I inspected the site and its surroundings on the 9th August, 2010. I commence with a number of general points. First, the Planning Officer stated that this was a town centre location where minimal planning standards were acceptable. In my opinion, following from my site visit, this is a quality residential area on the periphery of the town where there would be a higher expectation for the residential amenity environment as expressed by the Appellant and Objectors. Secondly, the land boundary dispute is not a relevant planning matter, although if land is lost from the appeal site the amount of amenity land around the approved dwelling would be reduced, particularly at the rear. Thirdly, the principle of allowing the development of one dwelling on the appeal site has been confirmed through the appeal under PA 06/02255/A. The present approved proposal was submitted to overcome the concerns expressed by the Inspector and Minister on the appeal under PA 08/00693/B. In my consideration of all the submissions and representations made, it seems to me that the main planning issues are: 1) the effect of the access on the local amenity; and 2) the effect of the proposed dwelling in the context of its site and its surroundings.</p> <p>In considering the access, there are a number of issues to be assessed. First, the measured road speeds require visibility splays of 2 x 18m, which can be provided. Further, the close proximity of the two drives and the creation of a 'lay-by' will be an advantage to all road users. I note that the Highways Division has no objection to the access. Secondly, there is the impact of the drive to be assessed. Concerns were raised about the potential flooding from surface water and the steepness of the drive gradient and its potential effects on traffic in winter. I consider that the proposals about water harvesting could be resolved through Building Control. I do not judge that the potential danger from vehicles being out of control on the drive to be determining matter in this appeal.</p> <p>I have been informed that the new drive is closer to that of Maughold Lodge than in the last proposal which came to appeal. However, I still judge that the ramp, stone faced walls and earth banking would still be a dominant feature for the adjoining residents. I note that, in the approval (PA 06/02255/A), the existing access and drive was to be shared with Maughold Lodge. The existing entrance and drive for Maughold Lodge was to be altered to accommodate the additional dwelling. The present appeal has a separate drive with its necessary infilling, retaining walls and supporting scope. There would be about 7m between the two drives at Claughbane Walk. Notwithstanding the previous appeal, I judge that the proposed engineering works would bring the drive too close to the adjoining dwellings in Queen's Valley. Whilst there may be opportunity to carry out some landscape works, the engineering operation would so change the existing landform that any remedial landscaping would take many years to reach maturity. I believe that because of its siting, the drive would dominate the outlook from the adjoining dwellings and there would be a perceived overlooking of the dwellings from the drive. Therefore, I find effect of the access on the local amenity of the adjacent dwellings to be unacceptable.</p>

R.T.C. - CHIEF TECHNICAL OFFICER'S REPORT - APPENDIX II - SUMMARY OF PLANNING APPLICATIONS CONT. – OCTOBER, 2010

No.	P A No.	Applicant / Site / Description	Details
	<p>09/01533/B R.T.C 2647</p>	<p>Mr. D. Maddrell, Land adjacent to Maughold Lodge, Claughbane Walk</p> <p>Erection of a detached dwelling and creation of a vehicular access.</p>	<p>In considering the effect of the proposed dwelling in the context of its site and its surroundings, there are several issues. I acknowledge that this was not a deciding issue in the last appeal. However, a number of reservations were expressed. The Appellant refers to the potential additional traffic generation from a potential 6-bedroom dwelling compared to the approved 4 bedroom dwelling. In my opinion, the more bedrooms in a dwelling would give rise to a potential for more car owners and therefore there may be increased noise, nuisance and disturbance to neighbours from traffic movements. In this case the steepness and length of the drive and its proximity to the rear of some dwellings would increase the adverse noise effect on the residents in Queen's Valley. Since the last appeal, approval in principle has been granted for 7 dwellings, similar in size to the Queen's Valley dwellings, on land to the north of the present appeal site. Two of the approved dwellings would be in a close relationship to the present appeal proposal. Although there would be no direct overlooking into living room windows from the present appeal proposal to the approval in principle, because of the raised position of the proposed dwelling, there would be some degree of overbearing from this proposal. The floor level of the proposed dwelling would be about the height of any boundary fence and consequently an effective three-storey dwelling would appear tall to the nearby residents.</p> <p>In my assessment, the amount of reforming of the landform of the site would create some additional steep slopes around the periphery of the developed part of the site which would have no practical amenity space value. The level land would be used for car parking and access, plus a platform at the rear of the dwelling. This platform would be largely in shadow and overlooked from the amenity space of Maughold Lodge. The platform would be less than 8 metres deep from the house, because of the necessary boundary slope. In my opinion, the amount of useable amenity land would be less than adequate for such a large dwelling in this suburban setting.</p> <p>I acknowledge that the design of the proposed dwelling and the distance separation between dwellings would not give rise to any direct overlooking into living rooms. However, I consider that the mass of this proposed 3-storey dwelling and its siting on an artificially created platform would have an adverse visual impact on the residents of the neighbouring dwellings. Although there is vegetation around the appeal site I believe that much of this would suffer during the construction period and the whole area would become more open in aspect. Therefore, the dominance of the mass of the dwelling would be more pronounced. In weighing all the aspects of the proposed dwelling on the neighbouring residents, I find that the proposal to be unacceptable on this land because of its height, siting and mass.</p> <p>I conclude that the appeal should be allowed and the proposal refused because of the dominance and proximity of the drive to the neighbouring residents; and the mass of the dwelling to be unacceptable in this suburban location.</p> <p>If the Minister is minded to dismiss the appeal, then the planning conditions should be confirmed.</p> <p>I have considered all the other matters raised at the Inquiry and in the submissions but they are not such as to affect my recommendation.</p>

R.T.C. - CHIEF TECHNICAL OFFICER'S REPORT - APPENDIX II - SUMMARY OF PLANNING APPLICATIONS CONT. – OCTOBER, 2010

No.	P A No.	Applicant / Site / Description	Details
2	10/00275/B R.T.C. 2714	Ms. L. Gregory, Grays Gardens, rear of May Hill. Refurbishment of existing garage and erection of two pairs of two lock up garages	<p>Inspector's Assessment and Conclusion: From my consideration of all the submissions and my site visit, it seems to me that the main issue is the effect of the proposal on the local environment. I judge from my visit to the area that some form of development on this unused land would be beneficial overall to the amenity of the area. I have considered the points made about access and consider that it would be desirable if the lanes were maintained to a higher standard, but the lane maintenance is not an issue relevant to the outcome of this appeal. The four additional garages would have a minimal effect on traffic generation in the lanes, as their use is restricted to domestic and no business use is to be permitted.</p> <p>The use of this back-land as an attractive natural breathing space in the terms of the Policy R/R/P3 would be highly desirable but the appeal site has not been so developed. In my opinion the proposed use for an additional 4 garages would not harm the local residential environment and amenities of the residents. Therefore, I conclude that the appeal should be dismissed and the Planning Authority's decision should be confirmed.</p>
3	10/00355/B R.T.C. 2719	Heritage Homes Limited, Plots 11 to 14 (including 11a & 13a), Auldyn Walk, Gardeners Lane. Erection of six dwellings (to replace four previously approved under P.A. 03/01846/B)	<p>Inspector's Assessment and Conclusion: In my consideration of this appeal, the Applicant has neither gained benefit nor been penalised for proceeding with the development under consideration before the Completion of the planning process in the Isle of Man. However, I do judge it remiss of the Applicant to have proceeded with the development and for the Planning Authority not to have sounded warnings to the Applicant.</p> <p>From my consideration of all the submissions and my site visit, it seems to me that the main issue is whether the increase in the number of dwellings would have a detrimental effect on the streetscape. In my opinion, the additional 2 dwellings and the consequent increase in density in this development does not materially affect the streetscape. I find no reason to allow the appeal.</p> <p>If the Minister is minded to dismiss the appeal, then the planning conditions should be confirmed. I have considered all the other matters raised in the submissions but they are not such as to affect my recommendation. I recommend that the appeal be dismissed. The effect of this recommendation would be to confirm the decision of the Planning Committee.</p>

4	10/00453/B R.T.C. 2726	Mr. M. Tramontana, 2, Market Hill. Installation of replacement windows	<p>Inspector's Assessment and Conclusion:</p> <p>From my consideration of all the submissions and my site visit, it seems to me that the main issues are the style and materials of the new windows. The Conservation Area seeks to preserve or enhance the character and appearance of the area. In more detail the policies for replacement windows are first they should be in the style of the existing and secondly in the same materials. From my visit to the building and area, I judge that the proposed top-hung windows would be of a different style to the existing sash windows and out of character with the age of the building. Most of the older buildings in the vicinity have retained sash style windows.</p> <p>I noted on my visit that there were a number of buildings in the vicinity with uPVC windows and therefore do not consider that the Planning Authority has been consistent in its insistence on timber windows. Nevertheless, I conclude that the important matter is the style and design of the windows and the proposed top-hung windows would harm the character and appearance of this part of the Conservation Area. If the Minister is minded to allow the appeal, then the standard time planning conditions should be imposed.</p> <p>I have considered all the other matters raised in the submissions but they are not such as to affect my recommendation.</p>
5	10/00810/C R.T.C. 2752	Positive Youth, Units I to U, Victoria Mall, Parliament Street Change of use of existing shop units and adjacent mall arcade to a youth club activities centre.	<p>The development hereby permitted shall commence before the expiration of four years from the date of this notice.</p> <p>This permission relates to the change of use of the existing shop units and adjacent mall arcade to a youth club activities centre shown in drawings PY (VM) 1, PY (VM) 2 and PY (VM) 3 received 1st June 2010 and Applicant Letters received 2nd August 2010.</p> <p>The youth club activities centre may only be operated between the hours of 2pm – 10pm Sunday, 3pm – 10pm Tuesday and 3pm - 10pm Thursday.</p> <p>NOTE: The applicant is encouraged to contact the Architectural Liaison Officer of the Isle of Man Constabulary regarding the installation of CCTV.</p>

**RAMSEY TOWN COMMISSIONERS
CHIEF TECHNICAL OFFICER'S REPORT
OCTOBER, 2010 – PUBLIC**

Mr. Chairman and Members,

**Building Control Act 1991 (as amended by Public Health (Amendment) Act 2000)
Albert Road School**

A Demolition Direction has been issued by the Department of Infrastructure under the above Act in respect of the application to demolish the premises, Albert Road School, Albert Road, Ramsey.

A standard schedule of requirements to be complied with has been issued in respect of the Demolition Direction.

Recommendation: For information only

**Building Control Act 1991 (as amended by Public Health (Amendment) Act 2000)
5 Hespera Terrace, Lezayre Road**

A Demolition Direction has been issued by the Department of Infrastructure under the above Act in respect of the application to demolish the property, 5 Hespera Terrace, Lezayre Road, Ramsey.

A standard schedule of requirements to be complied with has been issued in respect of the Demolition Direction.

Recommendation: For information only

Lezayre Housing Estate – Progress Report

Phase 4

Block 24 This block is now complete and possession has been taken by Ramsey Town Commissioners.

Blocks 25 and 26 Superstructure masonry and the roof tiling works is now complete. First and second fix joinery, electrical and plumbing works is ongoing within both blocks. The external render is complete to Block 26 and ongoing to Block 25.

Block 27 Roof covering and tiling works is complete, works to install the windows and patio doors is complete and the internal skimming works is complete. Second fix joinery and plumbing works are complete and the internal and external decoration is ongoing.

Lezayre Housing Estate – Progress Report continued

Phase 5

Block 28 The superstructure masonry is now to first floor level and scaffolding is now in place. The first floor joists have been installed and the masonry walls are now being progressed to wallplate level.

Block 29 The superstructure masonry is now to first floor level, scaffolding is now in place and the first floor joists have been installed.

Block 30 The concrete ground beam foundation is in place, the underfloor drainage is complete and the floor slab is in place. The superstructure masonry is now progressing to first floor level.

Block 31 The concrete ground beam foundation is in place as is the underfloor drainage and the floor slab is in place..

Block 32 The concrete ground beam foundation is in place, the underfloor drainage is now complete as is the floor slab. works have commenced on the superstructure masonry to first floor level.

Recommendation For information only.

Refurbishment of Properties, Brookhill and Seamount Road

The second phase of refurbishment which is No's 13, 15, 17 & 19, Seamount Road is proceeding satisfactorily with all roofs now felted and battened and slating due to be commenced imminently. Fascias and soffits are complete and the window installation is progressing satisfactorily.

Internally the M & E first fix is also progressing well with No's 19 and 17 complete. Internal plastering has commenced and the dividing wall within the attic space between No's 13 and 15 has also been completed.

Recommendation: For information only

Cooil Road Development Order – Public Inquiry

I accompanied Mr. Brian Beattie TC who attended the Public Inquiry on behalf of this Authority. Attendance was limited to the commencement of the Public Inquiry on the first morning which was the 5th October, 2010 at the Empress Hotel, Douglas. On that morning, a further date of Tuesday 12th October, 2010 was provided in order that the Boards Proof of Evidence and any further relevant matters could be presented before the Enquiry.

Coil Road Development Order – Public Inquiry continued

Mr Beattie presented the Board's Proof on the morning of 12th October and answered a question from the one of the various representatives regarding the use of existing designated land for Industrial/ Business Use not just in Ramsey, but throughout the Island.

It was clear from the Inquiry Inspector, Mr David Bushby that the Inquiry programme had slipped and a further week was being scheduled in November to conclude the representations and final summing up of the main parties.

Recommendation: For information only

Station Road Car Park Subsidence

I can advise that AW Associates have now carried out a full ground radar study of the Station Road Car Park to determine the extent and depth of the ongoing subsidence problems. All service authorities have provided information in respect of the location of existing underground services for gas, water and electricity which were forwarded to AW Associates as part of their ground radar study.

It is hoped to have a discussion with Mr. Andy Watt of AW Associates before the October Board Meeting in order that the findings of the survey can be explained.

Recommendation: For further reporting.

P. S. Harrison, Chief Technical Officer

13th October, 2010.

**RAMSEY TOWN COMMISSIONERS
ADMINISTRATION OFFICER'S REPORT
ENFORCEMENT ACTIONS
OCTOBER 2010, - PUBLIC**

Mr. Chairman and Members,

Parking on Spaces for the Disabled

Mr. Terry Oscroft

The Court Hearing was held on the 28th July, 2010. At this Court a Coroner's Admission had been received from Mr. Oscroft who was fined £100 with £58.75 costs; the sum of £158.75 must be paid to the Fines Office, Isle of Man Courts of Justice, Deemsters Walk, Bucks Road, Douglas within one month, failing which he will serve ten days imprisonment in default of payment

Mrs. Avril Taylor

At the Court Hearing on the 29th September 2010 Mrs. Taylor admitted the matter via the Coroner. The matter was dealt with by His Worship the Deputy High Bailiff, Mr. T M Moyle (who was sitting in for the Magistrates as their Clerk was ill). Mr. Moyle heard the facts and fined Mrs. Taylor the sum of £125 with £58.75 costs. This sum must be, paid to the Fines Office, Isle of Man Courts of Justice, Deemsters Walk, Bucks Road, Douglas by the 30th November 2010, failing which she will serve 14 days imprisonment in default of payment.

Mr. Moyle was sceptical at the mitigation given by Mrs. Taylor that she was not aware that she was parking in a disabled space as he indicated there is usually more than ample signage to confirm the position. He also made a comment that if a person has been convicted twice for an offence within twelve months they should receive a ban and be thankful that they are not disabled and able to walk etc.

Louise Lillian Hitchen

At a court hearing on 28th July 2010 the above named was fined £100 with £58.75 costs for parking on a disabled bay in Station Road Car Park on 30th May 2010. This sum of £158.75 must be, paid to the Fines Office, Isle of Man Courts of Justice, Deemsters Walk, Bucks Road, Douglas within one month, failing which she will serve ten days imprisonment in default of payment.

John Donnelly
Administration Officer

12th October 2010.

**RAMSEY TOWN COMMISSIONERS
PUBLIC CORRESPONDENCE
OCTOBER, 2010.**

Christmas Lights Switch On

(PL)

A decision is required with respect to the switching on of the Christmas decorative lighting. Taking account of the timing of Christmas this year (on a Saturday) the preferred date is **Friday 3rd of December**. This date will allow for three weekends of shopping prior to the Christmas holiday and means that the Christmas trees remain in good condition throughout before being removed in the New Year. Three trees will be required no later than Monday 29th November in order to get them erected and dressed. The outside trees will require to be fitted with low voltage lighting requiring the services of electrical contractors. Trees will need to be ordered in good time and in the proposed case will be cut some days prior to our proposed delivery date. It should be noted that the trees will deteriorate from the day of cutting.

A switch on date of 26th of November would provide 4 weeks of weekend shopping, but with the trees requiring to be cut at least 7 days prior, this would give a total 36 days of wear and tear and dehydration up to Christmas Day rather than 29. The final week up to Christmas is of course crucial for the trees to look their absolute best.

An agreed date is essential in order that the contractor's workload can be fitted in with other tasks in the town and around the Island during this extremely busy period.

Recommended: To purchase three Christmas trees to afford full installation no later than Thursday 2nd December (checking 3rd December).

Traffic – Gardeners Lane

(WD)

The Commission has received correspondence from a resident of Gardeners Lane regarding increased traffic use and confusion relating to the direction of traffic flow on the existing highway.

Planning consent has been granted for the various developments on Gardeners Lane and in relation to the EMI unit and the land to the east of Gardeners Lane conditions exist preventing occupation until the distributor road has been, to the satisfaction of the Planning Authority, constructed right up to the eastern boundary the site. Notwithstanding this it is evident that the existing roads are being used more, and that confusion exists in relation to the direction of traffic flow.

The Town Clerk has written to the Highways Authority and to the Planning Enforcement Officer to arrange to meet to discuss the position and identify a means of resolving the present unsatisfactory situation. The matter is also being brought to the attention of the Northern Traffic Management Liaison Group, which includes representatives from the Police and the Department of Infrastructure, and to the Northern Neighbour Policing Team for consideration.

Recommendation: to be noted

Lezayre Parish Commissioners Civic Sunday:

(FGP)

An invitation has been received from Mrs. V. A. Quane, Chairman; and the Members of Lezayre Parish Commissioners to attend Civic Sunday at Kirk Christ Church, Churchtown Lezayre, on Sunday, 7th November, 2010, at 3.00 p.m.

Refreshments will be served in the Church Hall after the Service.

Recommendation: to be noted and members indicate if they are able to attend.

Local Authority Induction Training Course:

(FGP)

The Department of Infrastructure is proposing to run a two-day Local Authority Induction Course in late November/early December, 2010, subject to sufficient demand. The Course is designed to provide elected members with an overview of the Department and its interaction with Local Authorities, either as an introduction or a refresher.

Recommendation: any member wishing to attend advise the Town Clerk accordingly, no later than 22nd October, 2010.

Ramsey Gardening Club

(PL)

Ramsey Gardening Club, an initiative of the Ramsey Horticultural Society, is to host its inaugural meeting on Monday, 25th October, 2010.

The meeting will be held at Quayle's Hall, Waterloo Road, Ramsey starting at 7.30 p.m. and will provide an opportunity to discuss the Club's future programme of events and to share ideas, materials and produce. A £2 entry fee will be charged, the event has been posted on the Commission's website and advertised throughout the town.

Recommendation: to be noted

15th October, 2010.