

PLANNING OFFICER REPORT AND RECOMMENDATIONS

Application No. : 25/90217/B
Applicant : Mark Pearce
Proposal : Construction of car parking area for 30 cars
Site Address : Field 324321
Old Church Road
Crosby
Isle Of Man

Planning Officer: Russell Williams
Photo Taken :
Site Visit :
Expected Decision Level : Planning Committee

Recommendation

Recommended Decision: Refused
Date of Recommendation: 25.07.2025

Reasons for Refusal

R : Reasons for Refusal
O : Notes attached to reasons

R 1. The proposed car park and access would be located on land not zoned for any particular purpose and is within the countryside. The proposed development is not listed as an exceptional circumstance under General Policy 3 and the development is not associated with any recognised national need in land use planning terms. The application also fails to demonstrate whether there are any other reasonably available sites where the development could be located and the principle of development is considered to conflict with General Policy 3 of the Strategic Plan.

R 2. The construction of a new access and car park on agricultural land will cause demonstrable harm to the character and quality of the landscape, eroding the character and appearance of the landscape through the provision of a hard, urban form of development. The proposals therefore considered to conflict with Environment Policies 1 and 2 and General Policy 2 (b) and (c) of the Strategic Plan.

R 3. The application site is located on land identified as being at high risk of flooding. The submitted information fails to demonstrate how the site can be developed without increasing the risk of flooding off site and how the site can be used in a safe manner without endangering human health and property. The proposal therefore conflicts with Environment Policies 10 and 13, General Policy 2(I) and guidance contained at Appendix 4 of the Strategic Plan.

R 4. The proposed development would lead to the destruction of land previously identified as a habitat containing flora and fauna of ecological importance such that the site is considered to represent a habitat of local and national importance. In the absence of evidence to the contrary, it is considered that the proposed development will cause the permanent loss of an

important ecological habitat for which no overriding national need has been demonstrated. The proposed development will therefore conflict with Environment Policies 1, 4 and 7 of the Strategic Plan.

R 5. The design of the proposed access includes a visibility splay to the North, which crosses Third Party land that is outside the ownership and control of the applicant. As such, the visibility splay to the North cannot be secured by condition. As the splay cannot be implemented the access is considered to be substandard and its use would give rise to an unacceptable impact upon highway safety. The proposal therefore conflicts with General Policy 2 (h) and (i) of the Strategic Plan.

Right to Appeal

It is recommended that the following organisations should NOT be given the Right to Appeal:

DOI Highway Services
No objection

DOI Highways Drainage
No objection

It is recommended that the following organisations should be given the Right to Appeal:

Flood Risk Management
Objection

Marown Parish Commissioners
Support

It is recommended that the owners/occupiers of the following properties should be given the Right to Appeal because:

Committee of Marown Memorial Playing Fields, Hall Caine Pavillion, Old Church Road, Crosby -
Objection

Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE PRINCIPAL PLANNER

0.0 PREAMBLE

0.1 This application was considered on 11.08.25 and deferred for a site visit, the report has not been changed.

1.0 THE SITE

1.1 The application site comprises a parcel of agricultural land located to the southern periphery of Crosby village.

1.2 The land is generally level though there is a gentle fall to the north, towards the playing fields that are located to the northern boundary of the field.

1.3 The site is accessed off Old Church Road via a field access to the eastern boundary, where the field is enclosed by a stone wall. To the southern boundary the field is bounded by the River Dhoo, and there are mature trees along the length of the northern boundary.

2.0 THE PROPOSAL

2.1 The application seeks planning permission for the construction of a 30 bay car park on land west of Old Church Road in Crosby.

2.2 The proposals, which have been amended since the original submission, will see the existing field access widened to allow two way vehicle movements. The access will be finished in hardstanding over its first 6.0m with gates erected back from the highway edge.

2.3 The submission indicates that existing ground levels will be retained with a geotextile membrane laid, Cellweb base laid and backfilled with clean angular stone.

3.0 PLANNING POLICY

3.1 The site lies within an area not designated for any particular purpose on the Area Plan for the East and is therefore located in the open countryside. The site is not within a Conservation Area but it is within an Area of High Landscape or Coastal Value and Scenic Significance. The site is within an area of High Flood Risk.

3.2 General Policy 2 of the Strategic Plan is considered applicable, which states:
"Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- (a) is in accordance with the design brief in the Area Plan where there is such a brief;
- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- (e) does not affect adversely public views of the sea;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
- (l) is not on contaminated land or subject to unreasonable risk of erosion or flooding;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption."

3.3 General Policy 3 sets out the approach to development outside of areas zoned for development and states:

"Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

- (a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);

- (b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);
- (c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;
- (d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);
- (e) location-dependent development in connection with the working of minerals or the provision of necessary services;
- (f) building and engineering operations which are essential for the conduct of agriculture or forestry;
- (g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative; and
- (h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

3.4 Environment Policy 1 states that "The countryside and its ecology will be protected for its own sake. For the purposes of this policy, the countryside comprises all land which is outside the settlements defined in Appendix 3 at A.3.6 or which is not designated for future development on an Area Plan. Development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative."

3.5 Environment Policy 2: "The present system of landscape classification of Areas of High Landscape or Coastal Value and Scenic Significance (AHLV's) as shown on the 1982 Development Plan and subsequent Local and Area Plans will be used as a basis for development control until such time as it is superseded by a landscape classification which will introduce different categories of landscape and policies and guidance for control therein. Within these areas the protection of the character of the landscape will be the most important consideration unless it can be shown that:

- (a) the development would not harm the character and quality of the landscape; or
- (b) the location for the development is essential."

3.6 Environment Policy 4 seeks to secure nature and wildlife conservation, stating "Development will not be permitted which would adversely affect:

- (a) species and habitats of international importance:
 - (i) protected species of international importance or their habitats; or
 - (ii) proposed or designated Ramsar and Emerald Sites or other internationally important sites.
- (b) species and habitats of national importance:
 - (i) protected species of national importance or their habitats;
 - (ii) proposed or designated National Nature Reserves, or Areas of Special Scientific Interest; or
 - (iii) Marine Nature Reserves; or
 - (iv) National Trust Land.
- (c) species and habitats of local importance such as Wildlife Sites, local nature reserves, priority habitats or species identified in any Manx Biodiversity Action Plan which do not already benefit from statutory protection, Areas of Special Protection and Bird Sanctuaries and landscape features of importance to wild flora and fauna by reason of their continuous nature or function as a corridor between habitats.

Some areas to which this policy applies are identified as Areas of Ecological Importance or Interest on extant Local or Area Plans, but others, whose importance was not evident at the time of the adoption of the relevant Local or Area Plan, are not, particularly where that plan has been in place for many years. In these circumstances, the Department will seek site specific advice from the Department of Agriculture, Fisheries and Forestry if development proposals are brought forward."

3.7 Environment Policy 5 "In exceptional circumstances where development is allowed which could adversely affect a site recognised under Environmental Policy 4, conditions will be imposed and/or Planning Agreements sought to:

- (a) minimise disturbance;
- (b) conserve and manage its ecological interest as far as possible; and
- (c) where damage is unavoidable, provide new or replacement habitats so that the loss to the total ecological resource is mitigated."

3.8 Environment Policy 7 states "Development which would cause demonstrable harm to a watercourse, wetland, pond or dub, and which could not be overcome by mitigation measures will not be permitted. Where development is proposed which would affect a watercourse, planning applications must comply with the following criteria:

- (a) all watercourses in the vicinity of the site must be identified on plans accompanying a planning application and include an adequate risk assessment to demonstrate that works will not cause long term deterioration in water quality;
- (b) details of pollution and alleviation measures must be submitted;
- (c) all engineering works proposed must be phased in an appropriate manner in order to avoid a reduction in water quality in any adjacent watercourse; and
- (d) development will not normally be allowed within 8 metres of any watercourse in order to protect the aquatic and bankside habitats and species."

3.9 Environment Policy 10 "Where development is proposed on any site where in the opinion of the Department of Local Government and the Environment there is a potential risk of flooding, a flood risk assessment and details of proposed mitigation measures must accompany any application for planning permission. The requirements for a flood risk assessment are set out in Appendix 4."

3.10 Environment Policy 13: "Development which would result in an unacceptable risk from flooding, either on or off-site, will not be permitted."

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 None

5.0 PLANNING HISTORY

5.1 No relevant planning history.

6.0 REPRESENTATIONS

6.1 The following Statutory Consultees have been consulted and their responses can be summarised as follows:

Marown Parish Commissioners - The Commissioners considered the above Planning Application at their meeting held on Wednesday 16 April 2025 and have no objection to the Application. In addition the Commissioners would like to SUPPORT this application as they believe it is an asset for local residents as it will help them out particularly during road closures.

The Commissioners wholeheartedly support the Application as parking is a major issue along Old Church Road. When the various clubs use the Marown Memorial Playing Fields (MMPF) then there are very limited parking spaces available. During TT the top of Old Church Road is a popular spot to watch the racing, but parking is restricted to maintain vehicle access and the MMPF car park is locked.

The lack of parking for residents and visitors is impacting the local community and is detrimental to local businesses.

DOI Highway Services - Original comments:

A Transport Statement should be provided with the application outlining/addressing the following:

The reasoning for the car parking?

If the car park is not for the adjacent depot, what are the trip attraction sites for the car park to the surrounding area and key desire lines from the car park to the surrounding area?

If the car park is not for the adjacent depot, how will drivers be stopped from parking in the car park for activities related to the depot?

An Accessibility assessment should be provided with the TS as per Manual for Manx Road Appendix E guidelines.

Visibility splays should be drawn and assessed using the outside edge of the carriageway on Old Church Road - the outside edge should be drawn on the layout plan and vegetation/trees located outside of the splay zone.

A car park assessment should be provided demonstrating how the parking supply will meet parking demand - parking accumulation assessments using existing surveys or TRICS would be beneficial.

Swept path tracking of vehicles entering/ leaving the site access should be provided for review.

The access should be road safety reviewed in relation to visibility splays, traffic using the public highway past the site access, the access design arrangements and any adjacent accidents recorded.

In relation to the access and layout:

The angled car park access will likely mean the layout will not safely accommodate two-way access of vehicles when drivers from Old Church Road swing their vehicles into the car park access from the south. A public car park should be designed for two-way access and therefore the access should be 90 degrees/perpendicular with Old Church Road unless swept path tracking can demonstrate safe two-way passage.

There should be reversing areas at the end of parking bay aisles to allow safe and efficient manoeuvring out of end bays.

Segregated/marked pedestrians routes within the site should be considered. Consideration of crossings and connections from the site to public highway footway and the Heritage Trail should be considered. Motorcycle parking should be considered. The layout plan should show that the first 6m of hardstanding from the adopted highway is bound and consolidated. The Applicant should address the above issues before HDC will not oppose the application.

DOI Highways comments on revised plans:

Highway Services HDC have reviewed the updated information dated 8 May 2025 on planning application 25/90217/B and can comment as follows:

1. The updated layout plan addresses HDC comments from 26 Mar 2025 in terms of access and internal layout. The Applicant is proposing two pedestrian access gates onto the Heritage Trail which is welcomed and will allow pedestrians to link up with pedestrian routes and footways in Crosby.

2. The Applicant has said, regarding the application proposals need, 'We have been requested to provide an overflow car parking area on Old Church Road by Marown Commissioners. As you will appreciate this is only for those times where the existing parking provision is overwhelmed and as such there is no data available to indicate numbers and capacity. It will not be used on a daily basis as it is assumed the existing parking provision is capable of dealing with day to day demand.' Due to the overflow nature of the car park proposals, the proposals would not require a TS to be submitted and HDC accept the reason for the proposals.

Accordingly, HDC now do not oppose (DNOC) subject to conditions on access (bound and consolidated within 6m of the adopted highway), access visibility splays, parking bays, vehicle turning and pedestrian access gates onto to Heritage Trail (open when car park is open), shown on the approved plan, to be implemented before first use of the proposals and retained

thereafter. A condition on opening times is also advised to be reduce instances of commuter/staff and long term parking.

Ecosystem Policy Team - Strong objection

Detailed Comments

Field 324321 is part of the Central Valley Curragh, which is a series of important connected semi-natural habitats that run from east to west from Braddan to Glenfaba.

The Central Valley Curragh is the only significant example of an extensive valley wetland in the Isle of Man. The area would likely fulfil the criteria for selection as biological Area of Special Scientific Interest but it also meets the criteria for selection as a Ramsar Wetland of International Importance, it is therefore of very high ecological value. A good proportion of these habitats are also on deep peat.

Field 324321 was mapped as a mixture of ecologically important and rare marshy grassland, Curragh and other scrub in in the 1991 - 1994 Phase 1 habitat survey. The presence of marshy grassland habitat was confirmed by the Manx Wildlife Trust (Ecology Vannin) who undertook a Preliminary Ecological Appraisal on this field in May 2022. They also found an area of semi-improved neutral grassland. Marshy grassland is a rare habitat on the Isle of Man, found to cover only 1.94% of the island's land area in the Phase 1 habitat survey, and this area will now be lower because of habitat destruction since this survey took place.

As well as the presence of rare habitats, the Ecosystem Policy Team have records of legally protected marsh orchids (*Dactylorhiza* sp.) on site which could be destroyed by the creation of the carpark. Ecology Vannin did not confirm whether orchids were present in their previous PEA, as their survey visit was undertaken at the wrong time of year. They also found habitat suitable for breeding, foraging and sheltering legally protected common frogs (*Rana temporaria*), and a number of Wildlife Act 1990 Schedule 8 invasive non-native plant species, particularly in the eastern end of the field where this carpark is to be created. This included Montbretia (*Crocasmia x crocosmiiflora*), Hybrid Bluebell (*Hyacinthoides x massartiana*) and three-cornered Leek (*Allium triquetrum*).

Please note that this PEA is now considered out of date, as per the CIEEM (Chartered Institute of Ecology and Environmental Management) Advice Note on the Lifespan of Ecological Reports and Surveys.

All orchid species are listed on Schedule 7 of the Wildlife Act 1990. It is an offence to intentionally or recklessly pick, uproot or destroy any wild plant included in Schedule 7.

Common frogs are listed on Schedule 5 of the Wildlife Act. It is an offence to intentionally or recklessly:

- kill, injure or take any wild animal listed on Schedule 5;
- damage or destroy, or obstruct access to any structure or place which any wild animal included in Schedule 5 uses for shelter or protection;
- disturb any such animal whilst it is occupying a structure or place which it uses for that purpose.

It is an offence to plant or otherwise cause to grow in the wild any plants listed in Part II of Schedule 8.

Not only would the creation of the carpark result in the direct destruction of ecologically important habitats and protected species, but it is likely to also impact the integrity of the remaining habitats through changes to hydrological processes in the field and lead to damage

of the neighbouring stream, since this area is known to flood. It would also lead to degradation of the wider Central Valley Curraghs area.

Proper justification for this carpark has not been provided, which demonstrates the need for it, nor demonstrates that there is no reasonable or acceptable alternative, contrary to Strategic Plan policy.

The application is also not accompanied by an ecological assessment or proportionate mitigation measures.

Proposal is contrary to Strategic Policy 4, Environment Policies 1, 4 and 7 of the Strategic Plan. The proposals should be refused.

DOI Flood Risk Management - Object:

The proposed land suffers from flooding from the River Dhoo and any construction in this field could have negative effects to the new Sewage Treatment Plant and Ellerslie Depot. FRM would like to see a full Flood Risk Assessment including flow modelling for any obstructions.

6.2 1 objection has been received from the Committee of Marown Memorial Playing Fields and can be summarised as follows:

- o Do not understand the justification. Being the main site of activity on Old Church Road, with the parking spaces on old Church Road together with the spaces within our property, we are able to provide adequate car parking for our regular users & we utilise the bottom section of our playing field for exceptional events such as Marown Parish Day.
- o Encouraging a further 30 cars to regularly travel along old Church Road would create a risk to many of our users. Our facilities cater for a number of clubs and organisations whose members are children, including Marown Junior Football Club, Marown Cricket Club, Crosby Nursey and Pre-school. We also have a number of clubs serving the elderly population of the Parish. Any increase in vehicle movements will jeopardise safety.
- o Pedestrians approaching the playground from the main Peel Road utilise the pavement on the easterly side of Old Church Road and then have to cross the road to reach the playground. Those arriving in a vehicle often park on the opposite side of the road to the playground and again cross the road.
- o The proposed car park would be immediately adjacent to the Heritage Trail which is heavily used by pedestrians & cyclists, again many of which are children. There is no official safe crossing of Old Church Road for Heritage Trail users so again any increase in traffic would present an increased risk to them.
- o A further concern is the junction of Old Church Road and Peel Road. Exiting from this intersection is already extremely perilous given the restricted view and the volume of traffic on the main road.
- o We were concerned to see that in the revised plan there are 2 footpaths leading onto our land. Nobody has approached us regarding this which we find to be unacceptable.

DOI Highway Drainage - No objection:

Allowing surface water runoff onto a public highway would contravene Section 58 of the Highway Act 1986 and guidance contained in section 11.3.11 of the Manual for Manx Roads. Recommendation: Applicant should be aware of and demonstrate compliance with the clause above.

7.0 ASSESSMENT

7.1 The key considerations in the determination of the application are:

- o Principle of development
- o Impact upon the character and appearance of the area/landscape

- o Transport and highway safety
- o Flood risk
- o Ecology

PRINCIPLE OF DEVELOPMENT

7.2 The application site is located in the countryside and beyond the established built-up area of Crosby village. The land is in agricultural use and is not zoned for any particular purpose within the Area Plan for the East and is effectively "white land" on the 1982 Development Plan.

7.3 Within the countryside and on land not zoned for any specific purpose General Policy 3 applies. In this regard, GP3 is a restrictive policy that states development of land such as the application site will only be permitted if one or more exceptions exist and there are 8 criteria listed under the policy.

7.4 The application proposes the construction of a new car park which would be used occasionally to benefit the local community and visitors, particularly when local events are being held in the area. Such a development and use is not listed as an exceptional circumstance under GP3 and with regard to GP3 (g), the development is not associated to any recognised national need in land use planning terms; the application also fails to demonstrate whether there are any other reasonably available sites where the development could be located.

7.5 Having regard to the above, the principle of development is considered to conflict with General Policy 3 and the proposal is therefore unacceptable in policy terms.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA/LANDSCAPE

7.6 The application site comprises an undeveloped parcel of land that is visually prominent from the highway and contributes positively towards the setting along the River Dhoo. The site is enclosed by stone walling to the roadside frontage and tree and hedgerow to the north and south with the River Dhoo running along the northern boundary. Immediately to the south is a DOI Depot and storage yard that appears to be used for commercial purposes. This site sits into the rising ground and is generally well landscaped, being visible from the entrance.

7.7 In policy terms, Environment Policy 1 seeks to protect the countryside from development that would adversely affect the character and appearance of the landscape. Being within an AHLV Environment Policy 2 applies, which states "the protection of the character of the landscape will be the most important consideration unless it can be shown that:

- (a) the development would not harm the character and quality of the landscape; or
- (b) the location for the development is essential."

7.8 The development will create a break within the stone wall to create the new vehicular access, which will be surfaced in tarmac over its first 6.0m with gates hung some 3.0m back from the carriageway edge.

7.9 Within the site it is anticipated that the existing grassed surface and associated plants will be removed and a Cellweb system installed, backfilled with stone. The proposed development will lead to an urbanising effect upon the character and appearance of this undeveloped parcel of land, which is visually sensitive within the immediate setting. Together with the adjacent playing fields, the site forms a transitional space between the contiguous built up area of Crosby to the north and the open countryside to the south and beyond. The installation of the hardstanding areas will be at odds with the rural setting and have a detrimental impact upon landscape character and quality. The parking of motor vehicles on the site will further exacerbate the harmful impact arising from the proposed development

upon the character and appearance of the landscape. There is no overriding national need and having regard to the comments received from the Marown Memorial Playing Fields Committee, it is questionable what the need here relates to, though the Commissioners have provided some clarity on this matter. Notwithstanding, the information provided is lacking in detail and evidence of whether any other sites are available and more suitable has not been submitted.

7.10 Having regard to the above, the proposal will cause demonstrable harm to the character and quality of the landscape, eroding the character and appearance of the landscape through the provision of a hard, urban form of development. The proposals are therefore considered to conflict with Environment Policies 1 and 2 and General Policy 2 (b) and (c).

TRANSPORT AND HIGHWAY SAFETY

7.11 The submission has been amended to improve the standard of the access off Church Road, with improved visibility splays and to provide an entrance that is perpendicular to the highway.

7.12 In regard to highway safety, General Policy 2 states that development will be permitted provided:

"(h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;

(i) does not have an unacceptable effect on road safety or traffic flows on the local highways;"

7.13 The amendments to the layout of the access have now been accepted by Highway Services as being acceptable in design terms such that the new entrance and its use as a car park will not give rise to an unacceptable impact upon highway safety.

7.14 The provision of connections to the Heritage Trail and visibility splay appears to extend the red line area of the site onto land in third party ownership, as noted in the objection received from the Marown Memorial Playing Fields Committee. Providing access onto third party land would require the consent of the adjoining landowners and it is unclear if this is required and if so, if this consent is in place. The visibility splay to the north, which seems to cross the Marown Memorial Playing Fields Committee land, could not be secured by condition without the adjoining landowners consent and again, it would appear that such consent is not in place.

7.15 The issues identified at 7.14 above means that the proposed visibility splay cannot be controlled by condition, which makes the access potentially unsafe, despite DOI Highway Services not objecting, though this technical point appears to have been overlooked by the Department. Without the splay to the north being capable of being secured, the access would be substandard and cause the access to be unsafe. The proposal therefore conflicts with General Policy 2 (h) and (i).

FLOOD RISK

7.16 The application site is located adjacent to the River Dhoo and is within an area at high risk from flooding. Environment Policy 10 and Appendix 4 of the Strategic Plan set out the required information that should be submitted in support of an application where there is a high risk of flooding. The application is not supported by a Flood Risk Assessment or associated information that addresses EP 10 of Appendix 4.

7.17 Environment Policy 13 states that "Development which would result in an unacceptable risk from flooding, either on or off-site, will not be permitted." Being in an area at high risk of

fluvial flooding and in the absence of an FRA of suitable detail, an objection has been received from the Flood Risk Management team.

7.18 It is acknowledged that the car park may only be used on an occasional basis when the demand for parking might be high, in assessing the flood risk it must be assumed that a flood event could occur at any given time. Were the site to be in use and a flood event inundates the site, vehicles could become stranded and potentially carried downstream, off site, giving rise to increased risk to safety.

7.19 The application would see ground levels rise across the parking area which in turn will lead to the displacement of flood water; how this displacement would impact upon land and property offside has not been demonstrated by the application submission.

7.20 In summary, the application fails to demonstrate how the site can be developed without increasing the risk of flooding off site and how the site can be used in a safe manner without endangering human health and property. The proposal therefore conflicts with Environment Policy 13 and General Policy 2 (I).

ECOLOGY

7.21 As noted by the Ecosystem Policy Team's comments, the application site, Field 324321, is part of the Central Valley Curragh, which is a series of important connected semi-natural habitats that run from east to west from Braddan to Glenfaba. The Ecosystem Policy Team note that the Central Valley Curragh is the only significant example of an extensive valley wetland in the Isle of Man. It therefore has a high level of significance as a habitat.

7.22 The Ecosystem Policy Team have also stated that the site would "likely" meet the criteria for selection as a biological SSSI and a RAMSAR wetland of International Importance.

7.23 The site contains a range of rare plant species and has been surveyed and mapped historically, most recently in 2022 when the presence of a marshy grassland habitat was confirmed along with semi-improved neutral grassland. The former habitat covers only 1.94% of the Islands land and so is a rare habitat. Records also exist of other rare habitats on the site together with Common Frogs which are a Schedule 5 listed species.

7.24 Environment Policy 4 provides protection for habitats and species, including those of national and international importance. The application is not supported by an up to date Ecological Appraisal and so it is reasonable to consider there to be a likely presence of previously identified habitats and species on the site.

7.25 The application would lead to the destruction of a protected habitat and flora/fauna for which no overriding justification on the national or local level has been demonstrated.

7.26 The proposed development will conflict with Environment Policies 1, 4 and 7.

8.0 CONCLUSION

8.1 The application site is located in the countryside and is not zoned for any particular use or development. It is therefore subject to protective policies such as General Policy 3. The application fails to meet any criteria laid out under General Policy 3 of the Strategic Plan and the proposed development would not deliver a land use or facility of national importance.

8.2 The development has been assessed as giving rise to an unacceptable impact upon the character and quality of the landscape for which there is no overriding need or justification. Furthermore, the application fails to demonstrate that the development would be safe in flood

risk terms and that the development would not adversely impact upon public safety or flood risk both on and off the site.

8.3 The development, if permitted, would result in the destruction of important ecological habitats and species previously found to be present on the site. In the absence of any evidence to the contrary, the proposal would result in the loss of flora, fauna and habitats of a local and national importance, for which there is no overriding justification.

8.4 Having regard to the above the application is considered to conflict with General Policies 2 and 3, Environment Policies 1, 4, 7, 10 and 13 of the Strategic Plan. It is therefore recommended that the application is refused.

9.0 RIGHT TO APPEAL AND RIGHT TO GIVE EVIDENCE

9.1 The Town and Country Planning (Development Procedure) Order 2019 sets out the process for determining planning applications (including appeals). It sets out a Right to Appeal (i.e. to submit an appeal against a planning decision) and a Right to Give Evidence at Appeals (i.e. to participate in an appeal if one is submitted).

9.2 Article A10 sets out that the right to appeal is available to:

- o Applicant (in all cases);
- o a Local Authority; Government Department; Manx Utilities; and Manx National Heritage that submit a relevant objection; and
- o any other person who has made an objection that meets specified criteria.

9.3 Article 8(2)(a) requires that in determining an application, the Department must decide who has a right to appeal, in accordance with the criteria set out in article A10.

9.4 The Order automatically affords the Right to Give Evidence to the following (no determination is required):

- o any appellant or potential appellant (which includes the applicant);
- o the Department of Environment, Food and Agriculture, the Department of Infrastructure and the local authority for the area;
- o any other person who has submitted written representations (this can include other Government Departments and Local Authorities); and
- o in the case of a petition, a single representative.

9.5 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given the Right to Appeal.

I confirm that this decision has been made by the Planning Committee in accordance with the authority afforded to that body by the appropriate DEFA Delegation and that in making this decision the Committee has agreed the recommendation in relation to who should be afforded interested person status and/or rights to appeal.

Decision Made: Refused

Date: 26.08.2025

Signed : Russel Williams

Presenting Officer

Customer note

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