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Date 17 October 2025

Your Ref

Our Ref VCM/BAC5.2

By Hand Delivery and E-mail to:
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Please respond to Victoria Murphy

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Dear Sirs,

Our client: Baccarat Limited
Matter: Tynwald Sitting 21-23 October 2025 to approve SD 2025/0180 Town & Country Planning (Area Plan for the North & West) Order 2025

We have been instructed by our client, Baccarat Limited, to request that the following information be provided to the Members of Tynwald so that they may give proper consideration to the following concerns prior to voting upon whether to approve SD 2025/0180 Town & Country Planning (Area Plan for the North & West) Order 2025:-

1. The deliverability of the Area Plan for the North & West ("APNW") has not been properly assessed, which means the APNW is doomed to fail.
2. Failure to use accurate up to date data and/or independent reports or studies in the preparation of the APNW.
3. Lack of detailed formal Terms of Reference for the APNW Inquiry adopted by Tynwald or another entity that is fully independent of the Cabinet Office as creators of the APNW.
4. A conflict of interests and resulting lack of objectivity caused by the sphere of influence between the creators of the APNW (Cabinet Office), administration of the APNW Inquiry (Cabinet Office) and legal advice to the APNW Inspector provided by the Attorney General's Chambers instead of an independent law firm.

Updated National Infrastructure Strategy

The increase in residential property desired in the APNW will increase the commuter traffic to Douglas as the Island's employment hub. Traffic from Ramsey will enter Douglas via Governor's Dip and Onchan. Traffic from Peel will enter Douglas via Braddan Bridge and the Quarterbridge junction. The current National Infrastructure Strategy in 2018 ("NIS") identified congestion highway issues indicating two of these junctions were at 85% over capacity.

The Inspector for the APNW recognised these issues put forward by our client at the Inquiry and he identified the significant failing in site assessment without reference or heed to an overarching infrastructure strategy. This has implications for whether the APNW will truly conform with the Isle of Man Strategic Plan 2016 ("IMSP16") provisions, in particular Transport Policy 4, in terms of development being capable of safely providing for the traffic the

development generates. Despite the Inspector's remarks, the Cabinet Office has **failed to address deliverable highway mitigation proposals** by way of the modifications process. If the Cabinet Office had finalised the APNW after an updated NIS then highway congestion mitigation could be implemented alongside phased development.

The Cabinet Office has not identified any data or credible method which could substitute the need for an updated NIS. The Cabinet Office has failed to identify any credible or deliverable highway mitigation proposals.

The Cabinet Office had not even consulted other Government Departments such as the Highways Division, Department of Health and Social Care and the Department for Education, Culture and Sport. It would be common sense for the relevant Government Department to have input to Area Plans by the provision of important reliable data and/or other assistance as required so that all the elements of an Area Plan are properly considered. After all, an ill-considered plan usually fails.

Deliverability of APNW

An updated NIS could have informed the current highway efficiency and accurately predicted traffic movements and traffic impacts nationally including those from proposed development sites contained in the APNW and other area plans. This significant failure has now impeded the otherwise immediate distribution and deliverability of development as required under the IOMSP16's spatial strategy.

The NIS also assesses services (energy, water and drainage), waste strategy, flood defences and ports (harbours and airport). The energy or drainage capacities required for sites zoned for development may involve the provision of significant infrastructure to enable development. If the infrastructure providers are not able to provide these services then development will either be flawed or fail to happen at all as has happened with the East Area Plan ("EAP"), which was created over 5 years ago and now harbours a housing deficit of some 1,700 homes (see Planning Appeal AP25/0003).

The increase in residential property will increase the use of health and education services in the North and West. Residential development in the N&W will lead to a greater demand nationally on facilities such as the main hospital complex located in Braddan, which already has congested access at peak times. Manx Care is already struggling to provide the necessary health services to the existing Island population. An updated NIS would also consider the provision and location of health and education services.

If new residents in the North and West cannot commute satisfactorily to work or have good access to health services, cultural and sport facilities then potential new residents are likely to choose other jurisdictions. As a result, the Government's aim of attracting a rise in population by 2037 is likely to fail because the Area Plans have not been scoped in sufficient detail.

If the Cabinet Office had sought up to date and accurate data then such data would have influenced the APNW (and all area plans) so as to bring about beneficial and successful development rather than ideas that will either never come to fruition or development that will create more problems rather than solutions for the Island's economy and quality of life of its residents.

The recent publication of the Isle of Man Transport Strategy reinforces the view that the wider traffic impacts of any major development need to be assessed from a holistic national approach centric to improving traffic approaching and exiting the Island's capital which also provides the ferry gateway and many of the Island's national facilities.

Lack of detailed Terms of Reference

It is best practice in England and Wales for all inquiries to have terms of reference prepared by a body that did not prepare the plan that is the subject of the inquiry and does not have any vested interest in the outcome of the inquiry. This was a significant failure in the EAP where the Inspector had taken direction from public opinion and political pressure rather than public interest as set out in Terms of Reference where the outcome was to be based on data and policy.

The errors caused by a lack of Terms of Reference in the EAP have been repeated with the APNW.

Proper Terms of Reference would have set out the following:-

- All the data that had to be considered by the Inquiry as the Inquiry Documents;
- Criteria to be satisfied to assess deliverability of the Area Plan;
- The policies in the Isle of Man Strategic Plan 2016 that must be satisfied in order for the Inspector to decide that the APNW is in general conformity with the IMSP16; and
- A precise remit of the Inquiry.

In preparation of such Terms of Reference, and the services of an independent secretariate, it would have come to light that the required data was out of date and that the development proposed in the APNW was highly unlikely to be deliverable. Such Terms of Reference would have also negated the need for legal advice to the Inspector regarding the scope of the Inquiry.

Conflict of Interests

The Planning Policy section of the Cabinet Office prepared the APNW. The Secretariat of the Cabinet Office administered the receipt and publication of evidence, objections and information for the Inquiry as well as deciding which members of the public will be permitted to participate in the different stages of the APNW Inquiry.

Consequently, there is a risk that the interest of the Cabinet Office as creator of the APNW will conflict with the interest/duty of the Cabinet Office as administrator of the APNW Inquiry to present all evidence equally.

This lack of independence can lead to allegations of wrongful influence over the outcome of the Inquiry when submissions that are critical of the APNW are not equally and correctly publicised or are not published until after the relevant stage of the Inquiry or the author of the critical submission is not listed by the Secretariat to participate in all days of the Inquiry that relate to the nature of the submission as happened with submissions made on behalf of our client.

To compound the risk of influencing the outcome, the legal advice sought by the Inquiry Inspector regarding the test for the Inquiry of "general conformity of the APNW with the Isle of



Man Strategic Plan 2016" came from another Government operation, the Attorney General's Chambers, instead of from an independent law firm.

Conclusion

Section 2.5.1 on page 15 of the Cabinet Office's APNW Written Statement states that the overall aim of the Area Plan is to be:-

"A statement of proposals for the development or other use of land in the plan area to guide sustainable growth in the North and West based on the interlinking themes of social progress, economic prosperity and environmental quality strengthening the sense of neighbourhood, place and community links in the plan area and connections to the rest of the Island".

Consequently, Tynwald is being asked to approve the Town and Country Planning (Area Plan for the North and West) Order 2025, which will worsen connections to the rest of the Island due to the increased stress placed on Governors Dip and Quarterbridge junctions, which were at 85% over capacity in 2018. The energy and drainage capacities required for the development zones proposed in the APNW may need significant infrastructure provision. The potential for development on flood plains may adversely impact the Island's flood defences and river systems.

The Government has recently published the Isle of Man Transport Strategy and is currently reviewing the Island Strategic Plan 2016. These strategies would inform the National Infrastructure Strategy ("NIS"), which should have been updated before the APNW was finalised.

A failure to update the NIS and thus analyse the impact of an increase in development and a population of 100,000 by 2037 on existing flood defences, services (energy, water and drainage), waste strategy, health services, education, highway infrastructure prior to the APNW means that the APNW fails to provide sustainable growth, environmental quality, strengthened community links and connections to the rest of the Island. Therefore, our client avers that the APNW does not achieve its overall aim.

Furthermore, it is the function of Tynwald to make decisions that are in the public interest and follow government policy. Consequently, it is essential that proposed Orders demonstrate proper process and that data was centric to the Orders' integrity.

Yours faithfully,

A handwritten signature in blue ink that reads 'Simcocks' with a stylized flourish at the end.

SIMCOCKS

CC. All MHKs and MLCs by e-mail