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TOWN AND COUNTRY PLANNING ACT 1999

The Town and Country Planning (Development Procedure) Order 2019

In pursuance of powers granted under the above Act, and subordinate Orders and Regulations, the Department of Environment, Food and Agriculture determined to **REFUSE** an application by Blythe Church Investments Holdings Ltd, Ref **22/00679/B**, for the **Combined approval in principle and full approval for a residential development seeking planning permission for the erection of 66 dwellinghouses and 12 flats, site access, Spine Road through the site, drainage, car parking and associated landscaping (Phase 1). Outline Planning permission for development of up to 127 new residential units in the form of dwellinghouses and flats, flexible commercial space, a new public house and new retail space with all matters reserved save for access at Land At Poyldooey Fields And Part Fields 134271, 134253, 134270, 134272, 131273, 131276, 132274 & 134274 Ramsey Isle Of Man** for the following **reason(s)**:

1. The proposed development is unacceptable because insufficient survey data and ecological protection measures were proposed to mitigate against the impact of the development on the established diverse, natural habitat of the site relative to Protected Species and Red List Plants; and, to the Sulby River Saltmarsh where it abuts the site boundary particularly in relation to Phase 2 of the development to the north of the proposed Spine Road. This is contrary to the provisions of Strategic Policy 4b) and c); General Policy 2 b), c), d), h), and l); Environment Policies 4, 5 and 22iii) as outlined in the Isle of Man Strategic Plan 2016; Schedules 7 and 8 of the Wildlife Act 1990; and, "Section 21 (e) protecting and enhancing biodiversity, ecosystems and ecosystem services" of the Climate Change Act 2021.
2. The proposed development is unacceptable because convincing Flood Mitigation Measures have not been proposed, whereby, the development would be adequately protected against flooding during a flood event - either tidal, fluvial or both - to the extent that the safety of occupants of the development would be adequately protected. This relates particularly to both a 1 in 100 year fluvial flood event; and, a 1 in 200 year tidal flood event in relation to predicted flood levels above AOD Douglas including allowances for climate change. This is contrary to the provisions of Environment Policies 10, 13, 22i), as outlined in the Isle of Man Strategic Plan 2016.
3. The submitted design and construction details for the proposed Spine Road, particularly in relation to the roads gradient where it would join the existing highway to the

east at Auldyn Walk; and, the submitted highway drainage details are inadequate to ensure that post development the Spine Road would be constructed in accordance with the requirements of the Manual for Manx Roads and that it would be constructed to an adoptable standard. This unacceptability is emphasised by the fact that post development at the 1:200 year 2120 tidal level, both spine road access points to the east and west of the site would be flooded. This is contrary to the provisions of Environment Policies 10, 13, and Transport Policy 4 as outlined in the Isle of Man Strategic Plan 2016.

Date of Issue:
4th March 2024

J CHANCE

**Director of Planning and
Building Control**

Guidance Note

This decision was made by the Planning Committee in accordance with the authority delegated to it.

This decision refers only to that applied for under the Town and Country Planning Act 1999 and its subordinate legislation.

A copy of the Officer's report and any correspondence which led to the assessment and decision is available to view on the Government's website (via Online Services www.gov.im/Viewapplications) or at the Department's offices Murray House, Mount Havelock, Douglas.

Appeal

Any appeal must be in writing and submitted to the Department within 21 days of the date of this Notice. The appeal must contain:

- **the grounds for making the appeal;**
- **payment of the planning appeal fee (currently £335); and if relevant, confirmation that the appellant wishes to have the appeal determined by means of an inquiry and payment of the additional inquiry fee (currently £125).**

Where the appeal is submitted by the applicant they must:

- **specify in detail and by reference to material planning considerations the reasons why the appellant disagrees with that determination; and**
- **Where against a refusal, on the grounds of deficient detail or supporting documentation, set out why they consider the information or documentation forming part of the application was sufficient in the circumstance.**

If the appeal is submitted by someone who has interested Person Status but is not listed in Article 4(2) of the Development Procedure Order 2019, that person must relate their grounds for making the appeal to issues which they included in representations made prior to the application being determined.

Failure to meet all of the relevant above requirements will mean that the appeal cannot be validated.

An appeal form and more detailed guidance are available either from Planning & Building Control, Tel 685950, or from the Department's website www.gov.im/planningappeal

If this decision becomes final because there is no appeal, the Department's public reference copy (counter copy) of the planning application (should one have been received) may be collected by the applicant or their agent from Murray House. Please note that if the counter copy of the application is not collected within thirty days following the last date on which a planning appeal can be made it will be destroyed without further notice.