

**CHP 15/0115**

**IN THE HIGH COURT OF JUSTICE OF THE ISLE OF MAN  
CIVIL DIVISION  
CHANCERY PROCEDURE**

Between:

**ISLE OF MAN ENTERPRISES LIMITED**

Claimant

and

**DEPARTMENT OF ENVIRONMENT, FOOD AND AGRICULTURE**

Defendant

and

**EFB (IOM) LIMITED**

Interested Party

**Judgment summary issued by the High Court of Justice of the Isle of Man**

**This summary is provided to assist in understanding the judgment of the court. It does not form part of the judgment. The judgment itself is the only authoritative document. The full judgment is available at [www.judgments.im](http://www.judgments.im).**

On 9 December 2016 His Honour the Deemster Doyle, First Deemster and Clerk of the Rolls, delivered a judgment in respect of a doleance claim which sought to challenge decisions made by Minister Ronan (as he then was) in July and September 2015 in respect of a planning appeal by EFB (IOM) Limited ("EFB") whose off-trade chain was stated to consist of, amongst other entities, Oddbins. The businesses conducted by the Claimant include the Shoprite supermarkets on the Island.

The Claimant, represented by Charles Coleman, sought an order quashing Minister Ronan's decisions on two main grounds:

- firstly, it said that the decisions were unreasonable or irrational because the Inspector (on whose report Minister Ronan relied) failed to take into account a relevant fact (namely the cumulative impact of the two planning permissions enjoyed by EFB in respect of the Ballafletcher site and the Peel Road site) and also took into account an irrelevant factor (namely the intention of EFB in respect of the Peel Road site). Moreover, the Claimant said that the Inspector, and consequently Minister Ronan, were wrong to place too much reliance on a letter in support of EFB from Minister Shimmin (as he then was);
- secondly, it said that the links between EFB and Chief Minister Bell (as he then was) resulted in special treatment for planning applications made by EFB, or that there was a perception of special treatment, and it was further alleged that there was apparent bias on the part of Minister Ronan, the decision-maker, in respect of the Ballafletcher site extension of time planning appeal.

Walter Wannenburg, the Island's Solicitor General, appeared for the Defendant and in effect submitted that there was nothing in these complaints.

First Deemster Doyle, for the detailed reasons specified in the judgment, concluded that the Claimant had failed to make out its case.

The Deemster was not persuaded that the Minister's decisions were unreasonable or irrational.

The Deemster was not persuaded that there was any special treatment or reasonable perception of special treatment of EFB.

The Deemster was not persuaded that there was any apparent bias in favour of EFB on the part of Minister Ronan. The Deemster concluded that the fair-minded and informed observer, having considered the facts and circumstances, would not have concluded that there was a real possibility that Minister Ronan was biased. The planning appeal went through due process. The independent Inspector made a recommendation based on the evidence and representations before her. The Minister accepted the recommendation. There could be no reasonable perception of bias in favour of EFB on the part of the Inspector or Minister Ronan.

The dolence challenge to Minister's Ronan's decisions failed and the Deemster dismissed the claim.

9 December 2016