



# GARFF COMMISSIONERS

## BARRANTEE GARFF

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20<sup>th</sup> July 2026

Attorney General,

### **Open Letter in Regard to the Ability of Prospective Election Candidates to Discuss the Mooir Vannin Wind Farm Proposals with Electors Prior to the Tynwald Elections**

I have been instructed to write on behalf of the Board of Garff District Commissioners ("the Commissioners") concerning the ability of candidates in the forthcoming Tynwald elections to comment publicly and to participate in debate on the Mooir Vannin Wind Farm proposals. Those proposals are currently the subject of an Inquiry conducted under the MIMA 2016 Marine Infrastructure Consent legislation. The Commissioners are particularly concerned that guidance previously issued to candidates in the run up to the election is unduly restricting the quality and scope of debate on proposals that are of the highest public interest.

At the outset, the Commissioners wish to emphasise that this letter is not intended to advocate either for or against the proposed development. Rather, it is intended to seek clarity that will assist both candidates and electors in engaging confidently and responsibly in democratic debate on an issue of exceptional importance to the Isle of Man and its residents.

The proposed Mooir Vannin development is widely regarded as one of the most significant infrastructure proposals ever contemplated within Manx territorial waters. It would therefore seem entirely reasonable that electors should wish to question candidates seeking election to

the House of Keys as to their views, priorities, concerns and judgement in relation to the proposal.

A perception has nonetheless emerged that candidates cannot respond to questions regarding Mooir Vannin, for fear that any view they express could subsequently be interpreted as creating apparent bias, predetermination or a conflict with potential future decision-making responsibilities.

Whether or not that perception reflects the intention of the guidance, it risks creating uncertainty for both candidates and voters at precisely the moment when the Commissioners consider informed public debate to be most vital.

In this respect, the Commissioners respectfully request that the initial guidance given is reviewed and measured against the specific concepts of ‘predisposition’ and ‘predetermination’, and the distinctions that exist between them. The Commissioners believe that consideration of the distinction between the two concepts would assist in enabling a more appropriate level of debate to take place between politicians and public; and within boundaries that are clearly defined and widely understood.

As part of the legal advice received in this matter, the Commissioners have noted a Briefing Note published by the Local Government Association in the United Kingdom, which sets out the issues clearly and provides what they feel is helpful and judicial procedural guidance:

*“Predetermination occurs when a member has fixed views on a matter and retains a closed mind when it comes to making a determination.”*

*“Predisposition: a member must be open to the possibility that, however unlikely, they will hear arguments during the debate about the issue that will change their mind about how they intend to vote. As long as they are willing to keep an open mind about the issue, they are entitled to take part in any vote on it.”<sup>1</sup> (page 55)*

The Note goes on to observe that it is not a problem for councillors (*in UK terms*) to be predisposed towards a particular view; that such predisposition may be strong and may be publicly voiced; and that councillors may even have been elected specifically because of their views on a particular issue, whether in favour or against. In summary, expressing an intention to vote in a particular way before a meeting (predetermination) is not the same as a member making clear that they are willing to listen to the views of all sides before deciding how to vote (predisposition). Predisposition in committee decision-making is acceptable;

predetermination is not, and may of course call into question the integrity of the whole committee's decision and lead ultimately to the quashing of that decision.

The Commissioners consider that advice issued under this framing would assist in encouraging appropriate and effective democratic debate on the proposals for the Mooir Vannin development. They believe that a debate of within this framing would allow discussion that would be in accord with the public interest. The more restrictive guidance currently being relied upon is – particularly within our communities - giving rise to mounting tension in public discourse and to growing expressions of public frustration at what is increasingly perceived as a democratic deficiency at the heart of the process.

Accordingly, the Commissioners seek the establishment of these revised 'guardrails' that draw clearly upon the distinction between predetermination and predisposition, enabling democratic debate to take place between the public and those who seek to represent them, whilst preserving the integrity of any future statutory or governmental decision-making process.

Many electors are commenting in ways that demonstrate a genuine inability to comprehend why candidates may campaign freely on matters such as taxation, healthcare, education, housing or transport, yet feel unable to answer questions on an infrastructure project of unprecedented significance to the future of the Isle of Man.

The Commissioners respectfully request that this matter be reviewed by the Attorney General at the earliest opportunity, with a view to incorporating amendments that reflect the distinction between predetermination and predisposition. It is the Board's view that such a revision would more firmly connect politicians and prospective politicians in debate with the Manx public — and would mitigate against the growing perception, increasingly expressed in our communities, that our national politicians are being silenced on a matter of the greatest public interest.

It is, surely, a most important democratic principle that electors are entitled to ask questions on matters of major national significance and to receive meaningful answers from those seeking public office.

In the interests of good governance and transparency, the Commissioners hope that such guidance can be provided which gives both candidates and electors confidence that meaningful democratic discussion may proceed without jeopardising any future decision-making responsibilities.

Given the proximity of the forthcoming General Election, we should be grateful if consideration could be given to issuing any such clarification at the earliest practical opportunity, so that candidates and electors alike may participate in the campaign with confidence and with a clear understanding of the appropriate boundaries of legitimate democratic debate.

The Commissioners look forward to hearing from your office in due course in regard to these matters.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'M Royle', followed by a second, less distinct signature.

Martin Royle

Clerk, on behalf of Garff District Commissioners

<sup>1</sup> <https://www.local.gov.uk/sites/default/files/documents/members-interests-bias-and-533.pdf>