

## Introduction

1. For ease of reference, I have prepared and set out this Report in a similar manner to that of the Modified Draft Area Plan of January 2011 prepared by the Department of Infrastructure. During the course of their deliberations, the Department of Infrastructure published a Draft Area Plan dated 23 October 2009, a Modified Draft Area Plan dated January 2011 and further Proposed Changes (Appendix A of the Report) before and during the Inquiry. In my Report I have taken account, and reported upon, all of these documents. I have also taken account and reported upon all written representations of support, objection and comment, as well as the written and oral evidence presented to me at the Inquiry. Because of the large number of representations to report upon, I have given a very brief résumé of each representation based upon what I considered to be the main issues raised. I have also tried to record representations in those parts of the Report that correspond with the references given to those making individual representations in the original documents that were sent to the Department. As far as the section in Chapter 4 entitled Omission Sites, I have not given the references used by the Department on their All Sites Assessment Map because some are new Omission Sites that were not raised at the time of the Map. Instead, I have made clear the individual objection reference number for each site to enable objectors to identify their own land.
2. I would make it clear that I have considered all representations and made my recommendations in the light of the adopted Isle of Man Strategic Plan 2007. Consideration of the Area Plan for the South was not intended to be an opportunity to review or amend the Strategic Plan; such issues must await the formal Review of the Strategic Plan which is at the moment programmed for completion by late 2013.
3. As the Preface Section of the Plan makes clear, this Area Plan covers the Parishes of Rushen, Arbory and Malew, as well as Port Erin, Port St Mary and Castletown. Whilst I have tried to keep my comments and recommendations to those areas, it is inevitable that on some occasions it has been necessary to extend those deliberations as some areas outside of the Plan area are likely to be affected by Proposals or suggested changes from within the Plan area. However, my recommendations and the final version of the Plan will only be relevant to the areas listed in the Preface to the Plan. Furthermore, some individuals and organisations have submitted comments upon matters that were not originally recorded as formal representations. I cannot take such comments into account as that would then require additional periods for further consultations which is outside the statutory framework of the Inquiry. However, such persons and organisations are able to register further representations when the Department publishes its response to my recommendations.

4. I would sincerely thank all of those individuals and organisations that have made written or oral representations to this Plan, because without adequate testing of the various Proposals and changes, the final version would be that much poorer. I also wish to thank the various Officers and representatives of the Department of Infrastructure, as well as from other Departments that attended the Inquiry, for their contributions and co-operation in the smooth running of the Inquiry. Also, my thanks to Mr G Farrington, another Independent Planning Inspector, who carried out very helpful proof reading of the Report. Finally, my work would have been almost impossible without the help and assistance of the Inquiry Officers, Mr Andrew Johnstone and Mr Andrew Joyce; my sincere thanks to both Officers. In my view they both carried out their duties to the highest standard, maintaining not only my probity, but also their own throughout the Inquiry and with due diligence to all participants.

*D G Hollis*

1 February 2012

**CHAPTER 1 – PREFACE AND MAPS**

**Objections:** 038, 041, 043, 053, 220, 286, 465, 466  
(123 – chapter 4).

**Comment:** 091, 112, 130, 166, 170, 171, 191, 284,  
285, 381, 382, 383, 435, 485, 505, 525.

**Support:** 062, 063, 223, 225, 229, 430, 440, 504.

**Proposed Changes:** PC 1 - 9; PC (M) 1 – 21.

1.01 A number of representations have been made that do not relate or apply directly to a particular Chapter, paragraph or Proposal and therefore I have taken the opportunity to group these together at the start of Chapter 1, before turning to those representations that relate to this part of the Plan. I would also mention that reference was made in a number of representations to the creation of additional or amended Conservation Areas and Registered Buildings. I return to the issues raised in respect of paragraphs 5.14 and 5.16 within Chapter 5 of this Report, but I mention here that those paragraphs are intended to provide information about Conservation Areas and Registered Buildings rather than Proposals. Such matters are not within the remit of the Area Plan for the South or my Report.

1.02 053 and 286 object to the use of the word "Proposals" rather than "Policies" throughout the Plan; it is suggested that the use of "Proposals" is significantly weaker as a tool to guide new development. I have to say that at the time of my initial reading of the Plan I also had misgivings about the use of this word. However, the Department have reviewed the matter in the light of the Town and Country Planning Act 1999 and concluded that a Strategic Plan should contain "Policies" and Area Plans have "Proposals". Having given careful consideration to this matter, I am satisfied that the use of the word "Proposals" will not appear to be weaker or less able to guide development schemes.

1.03 General support is given to the Plan under 062, 063 and 229; the former also asks for development in the countryside to be severely restricted. 091/485 suggests that section 1.6, and other parts of the text, be amended to refer to both the Written Statement and Proposals Maps being adopted by Tynwald; reference should also be made to the Area Plan rather than the Plan. I do agree that it would be helpful for section 1.6 to explain the process and status of Area Plans, as well as the requirements of the Town and Country Planning Act 1999 in respect of any inconsistencies between the Strategic Plan and the Area Plan. Under PC9, the Department agree that reference should be made to the

“Area” Plan. Whilst I have no objection to make regarding PC9, I have not seen the need to refer to the word “Area” when recording every matter in this Report about the Area Plan, as in my view it is self explanatory. PC8 gives general changes to the contact address.

- 1.04 112 asks for consideration to be given to building materials to improve the longevity of buildings. This is a matter for Building Regulations and not the Area Plan. 130 makes the point that although the Plan period runs until 2016, due to the Strategic Reserve Sites (SR), it is likely to go beyond that time; that should be explained. I agree with this comment, particularly in the light of my suggestions about housing land allocations and the SR2 allocation. I suggest that such an eventuality be included in Chapter 4.
- 1.05 166 suggests there should be more regulations to encourage energy conservation in new housing; solar panels should be permitted. I note the comments made, but the principles involved are an Island-wide matter; the Strategic Plan does contain requirements for Energy Impact Assessments.
- 1.06 Representations 170 and 171 did not raise any comments.
- 1.07 284 makes a general comment that barns and outhouses provide homes for birds and bats; any redevelopment should require a survey. I do not necessarily disagree, but this is an Island-wide issue and a matter for the review of the Strategic Plan. 285 and 383 suggest that the titles for Chapters 5 and 6 of the Plan are not reflected on pages 57 and 65. The Department suggests PC1 with which I agree. There is general support given under 430 for the Plan. Under 465, it is said that there must be a By-Pass at Ballasalla and new amenities for social and youth activities; vetting and admission of new social residents must be honest and complete.
- 1.08 For my comments regarding Ballasalla and a By-Pass, please refer to Chapters 4 and 7. The provision of social/youth activities in these terms is too detailed a requirement for the general form of an Area Plan and the question of admission to social housing is not within the remit of the Plan.
- 1.09 485 asks for additions to various parts of the text to clarify matters. PC4, 5 and 6 should address the issues. 504 supports the Plan Proposals. Representation 525 seeks attendance at the Inquiry to address affordable housing issues. Under PC 2 and 3, changes are made to the Plan to up-date various paragraphs and the first sentence of 1.4.1. PC 7 also up-dates paragraph numbers. I agree with those changes.

## Maps

### General

- 1.10 191 asks for the Brouchs and Bradda to be designated as Public Open Space as the Commissioners could be tempted to sell them off. I am satisfied that there is already adequate protection of the areas should that situation arise. The Department suggest that Sites 5, 22 and 23 be shown as Proposed Mixed Use under PC(M)20. Whilst I concur with Sites 22 and 23, I have suggested in Chapter 4 that significant additional work is necessary before Site 5 is adopted as Mixed Use.

### Map 1

- 1.11 381 asks for the Map to be up-dated to show Manx National Trust land; the Department have suggested PC(M)2. I support the change. PC(M)1 suggests that a check is needed to see if DEFA classifications are shown appropriately. PC(M) 4 and 5 are to indicate the additional Sites 28 and 29 on the Map. I agree with these changes.

### Map 2

- 1.12 No comments

### Map 3

- 1.13 Map 3 is to be amended in response to representation 038 under PC118, 119 and 120 in Chapter 6 of the Department's Proposed Changes. 041 asks for Map 3 to reflect development at Ballachurry; also that land should be allocated for housing. The Department state that Map 3 will be amended in the final version, but the suggested housing would affect the setting of the converted barns. I concur with the views of the Department in respect of the housing as such development would adversely affect the character of that area. Please also refer to Chapter 4 – Omissions Sites. I suggest PC(M)7-9 be reviewed in the light of my comments elsewhere in this Report. I also suggest a review of PC64 in the light of my comments about Site 24 and that PC69 be not adopted (Chapter 4 of the Proposed Changes).

### Map 4

- 1.14 220 asks for an amendment to be made to the settlement boundary for land on the western side, south of Rushen Abbey. The Department do not agree that there is a need for any significant change, but have suggested a minor amendment under PC(M)21 to include a section of garden. In later correspondence, the objector supports the minor change. The Department also suggest PC(M)11 (and PC113)

to re-allocate land referred to as the Playing Fields adjoining the Ronaldsway Industrial Estate in response to representation 505 (see Recreation Proposal 3); PC(M) 10 (and PC112) would also re-allocate a small area of that land to open space/agriculture i.e. white coloured land. I concur with these Proposed Changes; the changes would provide necessary land for the provision of a high standard of Business Park and re-arrangement of the boundaries. PC(M)12 suggests changes to the line of the proposed Ballasalla By-Pass following comments under representation 123. I have no objections to this amendment subject to my comments in Chapter 4 – SR2 land.

- 1.15 223 supports the Department regarding Map 4 and Green Gap Proposals because Omission Site E is not allocated for any development and business related developments are limited to those areas identified on Map 4. Please see Omission Site E in Chapter 4 for my conclusions.

Map 5

- 1.16 225 supports Map 5 and the designations. The Department intend to remove the stipple markings indicating Green Gap Proposal 3 to avoid confusion. I agree with amendment PC(M)3. See also Omission Site E in Chapter 4 and Recommendation in Chapter 3. The Department suggest a small change to an area of land at King William's College to revert to white coloured land to reflect the Airport perimeter (PC(M)13).

Map 6

- 1.17 435 asks for changes to relate to Colby Bridge. As I point out in Chapter 5, the process for additions to Conservation Areas is not within the remit of the Area Plan. The Department suggest that if Site 16 is accepted, designations and descriptions should change – PC(M)14 and 15. Also, there should be a change to the description in the light of Site 13 (PC(M)16 and PC53). I agree with the changes, but suggest PC(M)17 is reviewed in the light of my comments elsewhere.

Map 7

- 1.18 043 seeks allocations in Ballafession, Surby and Croit-e-Caley to meet the needs of an aging population, family housing and single people; also first-time buyers. There are bus services to Port Erin and Douglas. The Commissioners also disagree with the concept of "unsustainability" to deter car usage; residents will still use cars. Consideration should be given to increasing employment opportunities to regenerate towns and villages and thereby reduce travel distances. Planning

permissions have been refused on the grounds of lack of sustainability. The only land in Rushen intended for housing is at Ballakilley.

1.19 Whilst I acknowledge the concerns of the objectors, these localities are very rural, with little or no facilities; any additional allocations would not be able to be properly serviced and therefore would be unsustainable. Additional housing in the rural areas may well cause significant harm to the rural character of such areas. It is not just a question of existing residents using vehicles to go shopping or to work, if new housing were to be permitted in unsustainable areas, the traffic volumes on inadequate road systems would become quite unacceptable. Furthermore, to service remote areas would be a drain on the public purse. If any new form of allocation is to be made for a particular sector of the population or to allocate employment to particular sectors, then it would be an Island-wide issue for the Review of the Strategic Plan rather than for this Area Plan.

1.20 For comment and response to 382 and Conservation Areas, see Chapter 5. 440 supports this aspect of the Plan. The Department suggest Site 22 be enlarged to incorporate a car park (PC(M)18 and PC62) and to apply a green wash over two areas identified as Open Space (PC(M)19). I agree with the former, but not the latter suggested change. See Chapter 4 – Omission Sites D - land at Rowany Drive. I suggest that PC64 is reviewed in the light of my comments on Site 24. PC(M) 3 removes the "stipple" notation for Green Belts.

## **RECOMMENDATIONS**

- That the Maps be adopted subject to my various comments.
- That PC1-9 be adopted.
- That PC64 be reviewed and PC69 be not adopted.
- That PC(M)20 be adopted in respect of Sites 22/23; that Site 5 be reviewed before adopting any amendments to the Map.
- That PC(M)7-9, 17 and 19 be reviewed in the light of my comments.
- That PC(M)1-6, 10 -16, 18 and 21 be adopted.
- That an addition be made to Chapter 4 in response to representation 130.

## **CHAPTER 2 – THE STRATEGIC PLAN CONTEXT**

<b>Objections:</b>	<b>086, 468.</b>
<b>Comment:</b>	<b>139, 421.</b>
<b>Support:</b>	<b>139, 386, 387, 388, 389.</b>
<b>Proposed Changes:</b>	<b>PC 10</b>

### Strategic Plan Context

2.01 139 supports new development in sustainable locations. 386 supports paragraph 2.1.2 of the Plan, 387 supports paragraph 2.1.11 and 388 supports paragraph 2.1.12. 421 asks that the Key Diagram be amended to show the correct railway route and Port St Mary be re-instated as part of the main Strategic Link. Whilst I acknowledge the views of residents of Port St Mary, the Key Diagram is taken from the Strategic Plan and any changes should await the Review of that Plan.

### Settlement Hierarchy

2.02 086 states that Ballasalla should not be categorised as a “Service Village” as it is the largest settlement in the South; further development should not be permitted without a traffic management plan. The Department point out that Ballasalla is smaller than Port Erin, Castletown, Port St Mary and Colby; even with the Crossag Farm development, it would be smaller and offer fewer services than the Service Centres listed. I note the objector’s comments, but the settlement hierarchy was set out in the Strategic Plan and it is not within the remit of the Area Plan to change that situation. The Department could re-assess the situation at the Review of the Strategic Plan. I have made comments upon the Crossag Farm development and the By-Pass elsewhere in this Report. The Department suggest an amendment (PC10) to show Union Mills as a Service Centre to reflect the Key Diagram in the Strategic Plan. I concur.

### Villages

2.03 389 supports paragraph 2.5.1 of the Plan. However, representation 468 states that the Plan will diminish Ballasalla as a place to live, increase traffic without proper road relief and offers no provision for social/youth activities. I have made comments upon social/youth activities under the previous Chapter and my deliberations upon the Ballasalla By-Pass are given in Chapter 7. As far as the remaining comments are concerned, I really hope that the objector is incorrect. I have tried my very best to examine the Department’s Area Plan and to make proper and realistic comments upon it.



**RECOMMENDATION**

- That PC10 be adopted.

**CHAPTER 3 - SOUTHERN IDENTITY AND SPATIAL VISION**

**Objections:** 045, 049, 069, 074, 075, 076, 103, 104, 126, 127, 132, 192, 193, 208, 469, 470, 471, 472.

**Comment:** 019, 045, 046, 075, 076, 078, 092, 096, 105, 114, 128, 129, 132, 140, 141, 144, 145, 154, 239, 287, 289, 290, 297, 299, 302, 304, 306, 310, 318, 392, 397, 396, 413, 414, 423, 446, 488, 489, 514, 515.

**Support:** 007, 008, 013, 014-017, 019, 100, 101, 102, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 214, 230, 236, 237, 238, 240, 288, 291, 292, 293, 294, 295, 296, 298, 300, 301, 303, 305, 307, 308, 309, 311, 312, 313, 314, 315, 316, 317, 319, 320, 321, 390, 391, 392, 393, 394, 395, 397, 396, 393, 394, 395, 408, 409, 410, 411, 413, 414, 422, 441, 442, 452, 454, 455, 451, 456, 509, 510, 511, 512, 513, 514, 515.

**Proposed Changes:** PC 11 – 36 and 161.

Spatial Vision

3.01 075 suggests the requirements of paragraph 3.2.1(a) of the Plan are too prescriptive and do not allow for innovative modern designs of high quality. Whilst agreeing with the objectives of the Plan in obtaining designs with local materials and character, the response from the Department provides only limited flexibility. At the Inquiry session, it was also suggested that the stated vision should be amended to reflect a realistic and forward looking view of the future rather than a repetition of the past. Following the Inquiry, the objector attempted to reach an agreement with the Department upon the wording of the paragraph, but to no avail. The Department suggest PC11. Whilst I understand the objector's concerns regarding innovative modern designs and note the Department's change, I suggest that the words "high quality" be added after "local materials and ....", rather than PC11. This would ensure high quality designs are assessed, whether of innovative modern design or not. 140 and 390 support the Spatial Vision.

3.02 192 suggests the Plan does not meet the needs of Castletown in terms of new housing to support the growth of the community; the current vision would curtail growth to the detriment of the community, the young and less affluent. I understand the concerns of the objector and in Chapter 4 I

have suggested that the Department provide a more equitable spread of housing allocations by seeking additional land in the Castletown area. But there is a difficulty from the representations received, in balancing the future needs of residents against objections from local people to an increase in housing levels. 287 asks for reference to the “natural” environment; the Department cover this matter under PC11. 456 supports paragraph 3.2.1. However, 469 suggests the stated objective of paragraph 3.2.1 will not be achieved; policies will detract from Ballasalla. I would point out to the objector that the Spatial Vision applies to the whole of the area of the Plan and not just Ballasalla.

### Landscape Strategies and Proposals

#### Paragraphs 3.3-3.5

- 3.03 076 suggests there is too much reliance upon an unadopted and draft Planning Policy Statement (PPS); reference is only made to local vernacular building styles and in specified circumstances, buildings of innovative modern design should be permitted. See Chapter 6 for representation 077. In their response, the Department make it clear that the Area Plan and PPS are progressing together and the latter will be formalised quickly. Whilst I note the comments made in this representation, I have suggested an amendment to paragraph 3.2.1 (a) earlier in this Chapter which should provide more flexibility. I do not agree that there would be undue reliability upon a draft PPS. It would be for the Development Control Officers to assess whether a scheme is acceptable bearing in mind that the PPS may only be in draft form and could be changed.
- 3.04 Representation 100 supports Green Gaps and the Landscape Character Assessment and 101 supports the Plan regarding development at Bradda West Road. In written correspondence, it was said that in persisting with their requests, the Port Erin Commissioners have ignored public representations in the locality and the views of recently elected members of the House of Keys. The Commissioners also act against a mandate to protect the land from development, they discuss these matters in private, ignore Legal Covenants and a sitting tenant. Development should not be allocated on this land. 102 questions the reference to 2009 in 3.4.2; the Department state that there will be a collaborative approach between Government Departments and the reference should be up-dated to reflect the 2011 version of the draft PPS (PC14).
- 3.05 103 seeks a clear definition in respect of Cregneash; the Department accept the need for such an amendment (PC12). I concur as that should clarify the intention to preserve the

setting of the village. 105 asks about the effect upon Landscape Strategies and Key Views Policy of a suggestion by a Minister that persons building expensive properties should have fewer planning restrictions than the less wealthy. I also have reservations about such a suggestion, but that is a matter which should be determined at the Review of the Strategic Plan as it is an Island-wide issue. However, I would hope that any such scheme would be considered against all of the Area Plan Proposals as well as the policies of the Strategic Plan. Please see Chapter 4 in respect of Low Density Housing in Parkland (LDHP).

- 3.06 132 states it is necessary to recognise a need for a historic landscape characterisation before any more Area Plans are evolved; the study prepared for the Department is based on an out-dated model, fails to reach the standards required by international agreements, including the standards set by the UK Government. At the Inquiry, the objector questioned the competence of the Inquiry to address the adequacy of the Government's landscape study and that it should be recognised the Study was inadequate in terms of best practice. A caveat should be inserted stating that the historic landscape character remains to be addressed and provide a mechanism for implementation of the Planning Policy Statement (PPS). Existing designations should continue.
- 3.07 The Department suggest that the Landscape Character Assessment was prepared by consultants with advice from other Departments; those findings are being used to produce a new PPS. The Area Plan will not carry forward existing designations and the PPS would cover the whole Island. Whilst I understand the concerns of the objector, I do not accept that existing designations should be retained or that a completely new study to include an in depth historical assessment is warranted at this stage of the Area Plan. As the Department point out, the new PPS will cover the whole of the Island. However, I do not see why the objector's concerns could not be recorded by inclusion of a sentence in paragraph 3.3.2 of the Plan to cover the concerns raised and that the question of landscape analysis and the historical context be addressed at the Review of the Strategic Plan.
- 3.08 141 agrees with the preservation of rural landscape and views. Support is given under 288. Representation 289 asks for the omission of the words in parenthesis in 3.4 (J1). I concur with the change in accordance with PC13. 391, 407, 451 and 422 support paragraph 3.4; the latter wishes to see the application of paragraph 3.4 to pending and future planning applications. However, 470 considers the Landscape Strategies to be a complete hypocrisy. Planners have co-operated with developers in defiance of Inspector's rulings and allowed the destruction of trees. The Department

point out that the aim of the Proposals is to ensure such factors are taken into account in the future. 509 supports paragraph 3.4. The Department also suggest an up-dated quotation from the draft PPS under PC14 and an up-dated footnote under PC15. I concur.

**Paragraph 3.6**

3.09 049 asks for greater clarity and transparency in the Plan by identifying land allocations. The Department suggest that is what the Plan does and reference to the Regeneration Committee is only to recognise its work and remit. I agree with the objection that the Plan should be clear and transparent in its Proposals. However, I accept the explanation that sites would only be assessed by that Committee; any significant changes would require the agreement of the Department and planning permission. I suggest this is made clear in the text.

3.10 069 and 074 state that it is necessary to encourage the redevelopment of the former open-air swimming pool as a boat haven for visiting sailors and divers. The objector asks for a change to a Tourism zoning. The Department has suggested PC17 to paragraph 3.6.2; they do not consider the Map needs changing and that the use could be dealt with as an exception. I am satisfied that PC17 would be sufficient to cover the matters raised. 129 states that the reduction in tourist accommodation only came about due to buildings becoming redundant or unviable. In response, the Department suggest PC16; I concur.

**Paragraphs 3.8 – 3.11**

3.11 046 suggests the Area Plan needs to be more challenging with additional local employment, offices, hotels and housing in the Castletown area. The Department is of the opinion that adequate allocations have already been made in this locality. 144 suggests the approaches into Castletown need refurbishment. I would point out that paragraph 3.10 (ii) seeks that objective. 013 supports the protection of the landscape of Castletown and Castletown Bay. 193 suggests there is a lack of housing provision and a shortage of jobs; additional areas for development to ensure long-term viability is requested. They should include Great Meadow and land to the south of Ronaldsway for employment, business, retail and commercial. It is the Department's view that a balanced approach is necessary; sites for housing and employment have been proposed in Castletown. Please see Chapter 4 – Omission Sites for response on Great Meadow land and my conclusions regarding a more equitable spread of housing allocations.

- 3.12 236 gives support to the overall strategy. The response to 290 and 299 is under Chapter 5. However, it seems to me that 3.18 (ii) is misleading as it infers there is a Proposal to create a Conservation Area. I suggest that 3.18(ii) be replaced by "It is likely that the built area of Cregneash will become a Conservation Area under another process for such designations". 392 seeks the safeguarding of the Green Gap between Castletown and Derbyhaven. I am satisfied that existing Proposals and text would safeguard such areas without any change. 409 supports paragraph 3.10; 441 supports paragraph 3.8 and 510 supports 3.10(iii).

Paragraph 3.12.1

- 3.13 149 supports the objectives. Plans for Port St Mary harbour are being better thought out now; the designation as a Conservation Area should not impact on people living there.

Paragraph 3.13-14

- 3.14 150 supports the objectives and considers Port Erin and Port St Mary should remain distinct, but work together on joint services. 423 asks for the potential use of the Bay Queen site to be included in 3.14(i). The Department have no objection to the principle of considering such a change, but prefer the designation to be for residential use. . I suggest that 3.14(i) be amended to read "..new housing or other properly assessed uses in the village...".

Paragraph 3.18.1

- 3.15 104 asks why there has been the use of the words "built area of Cregneash"; also the restrictions applying in Conservation Areas. I see no harm in the use of "the built area" to clarify the boundary of the Conservation Area, rather than the wider countryside. The Department suggest PC20 in respect of Cregneash. Whilst I concur with the intentions of PC20, I suggest it is amended in line with my comments about 3.18(ii). See also my comments regarding Cregneash earlier in this Chapter and in Chapter 4.

Paragraph 3.19.1

- 3.16 045 mentions that The Level is in Rushen and not Arbory; there should be more employment, relocation of Government Offices and a better bus service. The Department suggest PC19 and 23 in respect of The Level. However, the Area Plan is not the procedure for relocation of Government Offices or improving the bus service. The Department also suggest an addition to 3.20 under PC24 and an amendment to 3.21(ii) under PC25.

### Landscape Proposal 1

- 3.17 142 and 291 give support to the Proposal.

### Landscape Proposal 2

- 3.18 008 gives strong support to Landscape Proposal 2; support is also given under 143 and 292.
- 3.19 I also support this Proposal. But the implementation of such a Proposal does depend upon the negotiations carried out by the Department at the time of any planning application. I suggest that the word "generous" be replaced by "substantial".
- 3.20 014-017 supports Landscape Proposals 3, 4, 5 and 6. In general terms I concur with the objectives of all of these Proposals as it is very important to ensure that the location, design and impact of development in and around Castletown are properly controlled. In principle I am satisfied that these Proposals will achieve those objectives. Please see the following paragraphs for my further comments regarding Landscape Proposal 3.

### Landscape Proposal 3

- 3.21 145 regrets that development at Knock Rushen was permitted, but relief that development towards Scarlett is not to be allowed. 208 suggests residential options for the Buchan School have been rejected and there is no confirmation the College land can accommodate a replacement primary school. Some limited housing should be permitted on the College land for either open market or staff accommodation. At the Inquiry, it was said on behalf of the Department that there would be no objection in principle to the relocation of the Buchan School to the grounds of King William College.
- 3.22 I see no reason to have a specific allocation for the new primary school as the precise location on the King William College land would be the subject of a planning application and on land allocated for that purpose. If there is a need for staff housing, it should be a proven site specific need, limited in extent, carefully sited close to existing College buildings with a condition imposed to link the residential development as an ancillary use associated with the College and treated as an exception to the allocated use for the land. I agree with the Department that open market housing would cause harm to the character of this area, result in the loss of open space around the College and could have a deleterious effect upon the setting of the Ancient Monument and Castletown. As far as further development towards Scarlett is concerned, I suggest this Proposal be reviewed in the light of my

comments in Chapter 4 about achieving a more equitable spread of housing allocations in the Castletown area.

3.23 293 and 452 support Landscape Proposal 3.

Landscape Proposal 4

3.24 146 and 294 support the Proposal.

Landscape Proposal 5

3.25 147, 237 and 295 support the Proposal.

Landscape Proposal 6

3.26 148, 296 and 395 support the Proposal.

Landscape Proposal 7

3.27 151 supports the Proposal; 297 points out a typographical error and PC18 replaces "importance" with "important".

Landscape Proposal 8

3.28 298 supports this Proposal. 446 asks for amendment to the wording of the Proposal to relate to green land north of Beach Road and Plantation Road to remain undeveloped. I am satisfied that the existing wording is adequate to provide this form of protection.

Landscape Proposal 9

3.29 152 and 300 support the Proposal.

Landscape Proposal 10

3.30 153 and 301 support the Proposal. 092 seeks the inclusion of a reference to Cregneash; also a new paragraph to give clarity to the position of permitted development in Cregneash and Meayll Peninsula. 096 records similar points in respect of paragraph 5.17. The Department has responded with PC21 which should answer the points raised in the interests of clarity.

Landscape Proposal 11

3.31 302 asks for the principle to be extended to the Meayll Peninsular and Cronk ny Arrey; the Department have suggested PC22 in response.

Landscape Proposal 12

3.32 078 suggests that part of the Proposal could be interpreted as prohibiting any changes to the roofscape or silhouettes of



buildings. I disagree with this interpretation. When designing new buildings it is always necessary to ensure the roofscape is acceptable and reasonable; some new building designs could result in poor roofscapes. 303 supports the Proposal.

#### Landscape Proposal 13

3.33 304 suggests the word “subordinate” is open to misinterpretation. I do not agree as the meaning of the word and the Proposal seem quite clear to me.

#### Landscape Proposal 14

3.34 305 supports the Proposal.

#### Landscape Proposal 15

3.35 154 suggests there is a need for signposts to encourage visitors to this site. Whilst I note this suggestion, it is not a matter that can be included within the Plan as a requirement. 238 supports the Proposal. 306 asks to include the word “managed” at the end of the sentence. The Department suggest PC26. 488 suggests Landscape Proposal 15 and 17 are amalgamated. I am satisfied that the two Proposals deal with separate issues and for the sake of clarity should remain as two Proposals.

#### Landscape Proposal 16

3.36 307 supports the Proposal.

#### Landscape Proposal 17

3.37 308 supports the Proposal; for 488 see Proposal 15 above.

#### Landscape Proposal 18

3.38 309 supports the Proposal.

#### Landscape Proposal 19

3.39 128 accepts the principle, but the appearance of some industrial buildings is influenced by their use. PC32 should deal with this matter. 239 suggests development should be allowed near to the railway track, but in a sympathetic manner. It seems to me that the Proposal does not seek to restrict development in this way, but to ensure consideration is given to any effects upon views from the railway. 311 supports the Proposal.

Landscape Proposal 20

3.40 312 supports the Proposal.

Landscape Proposal 21

3.41 127 suggests wording of the Proposal would pre-empt and restrict possible re-use or redevelopment; landscape character of Langness is adequately protected by other policies. 313, 394, 411 and 454 support the Proposal. In later correspondence dated 24 August 2011, the Department withdrew this Proposal as they consider it unnecessary; that is recorded under PC33. I concur.

Landscape Proposal 22

3.42 314 supports the Proposal.

Landscape Proposal 23

3.43 315 supports the Proposal.

Landscape Proposal 24

3.44 316 supports the Proposal. The Department suggest PC34 in respect of Ronaldsway Business Park land.

Landscape Proposal 25

3.45 240 and 317 support this Proposal.

Landscape Proposal 26

3.46 318 asks for the final line to read "green areas" and reference to be made to importance and sensitivity of views from the sea towards Derbyhaven. The Department have suggested PC35. 412 and 455 support the Proposal.

Paragraph 3.23-24

3.47 310 asks for an addition to (ii) to refer to important ecological and geological features. 393 supports paragraph 3.23 ii and iii. 410 supports paragraph 3.23. 471 suggests the contents of paragraph 3.23(i) are hypocritical in pretending to protect and enhance the identity and rural character of Ballasalla, given the traffic congestion and destruction of attractive parts of the village. I acknowledge the strong views of the objectors, but planning is usually a matter of opinion; at least paragraph 3.23(i) sets an objective for the future and I hope it is at least achieved to some degree. 472 considers the wording of paragraph 3.24 to be so loose and foreign to reality that it brings discredit to any stated objective. I do not agree with the objectors. In

my opinion, the objectives are clear. Given the context of paragraph 3.23(ii), I do not agree there is a need to include a reference to ecological or geological matters.

- 3.48 511 supports paragraph 3.23; 512 and 513 support paragraph 3.24. The Department also suggest PC27 in reference to alternative locations for Clagh Vane School. Further changes under PC28, 29, 30 and 31 are made in respect of Silverdale, Site 3, Ronaldsway Industrial Estate land and removal of the reference to 3.24(ix). I suggest PC28 be amended to state "It is proposed under other legislation to ....".

#### Paragraph 3.25.1-3

- 3.49 396, 397, 514 and 515 support the principle of Green Gaps, but asks for inclusion of area between Castletown and Derbyhaven. I am satisfied the existing topography, Proposals and text would protect the locality mentioned. 489 suggests it would be better to have an absolute boundary as well as an extension to the Green Gap. My response to the suggested extension to the Green Gap I have already given; as far as the boundary is concerned, I consider there should be some flexibility based upon the effects of any scheme on openness and visual amenity. The Department have suggested the removal of the first sentence of 3.25.3 in respect of the "stippled" notation in order to clarify matters (PC(M)3). I agree with this change as the text is quite adequate.

#### Green Gap Proposals

- 3.50 007 strongly supports Green Gap Proposal 1. 230 and 019 support Green Gap Proposal 3; the latter seeks its designation as open space. 114 suggests such areas should be more clearly defined and that over time, green gaps would be eroded. 126 considers the concept unnecessary and other policies would allow settlement boundaries to be determined; it is pointed out that the Inspector reporting upon the Strategic Plan recommended the removal of Green Belts and Strategic Gaps. 319-321 supports the Green Gap Proposals. 413 and 414 ask for an extension of the Green Gap Proposals between Castletown and Derbyhaven.
- 3.51 214 mentions that Omission Site E was not designated for development in the 1982 Development Order or any other Sector Plan; at the moment it is zoned as being within an Area of High Landscape and Coastal Value and Scenic Significance. A planning application to renew permission for industrial development was rejected by the Planning Committee, an Appeal Inspector and the Minister. Adequate vacant employment land exists for future needs elsewhere.

The Castletown Commissioners support for Omission Site E fails to take existing allocations into account, Tynwald policy of prohibiting retail uses outside of town locations and that the new development would be near existing housing. The proposals for Omission Site E would be contrary to Strategic Plan Policies and encroach upon open land that forms an important and integral part of Green Gap Proposal 3.

- 3.52 The Nicholson Group have provided no survey or analysis of employment land availability or take-up rates. Whilst having good transport links to Omission Site E that also applies to vacant land at Ronaldsway and Balthane. The land provides an important undeveloped gap between developments which is part of the Green Gap. In landscaping terms, the Green Gap Proposal would separate two settlements and create a sense of place and identity; it maintains an area of open land as a contrast to the existing industrial estates and airport buildings. It allows the Manx countryside to be appreciated and contains the route of the long distance Millennium Way. The Nicholson Group proposal would involve the loss of 8.9 hectares of open land, require buildings and roads that would have an urbanising effect and require extensive planting that would take 20 years to achieve any stature. Please see Omission Site in Chapter 4 for conclusions upon this site.
- 3.53 Having carefully assessed the suggestion to establish Green Gaps between various settlements, I agree with the principle of such areas as they would help to protect settlements from coalescence and preserve the identity of such localities. But, in my opinion, it is right to allow some flexibility and allow new schemes to be judged upon the impact it may make upon the openness of the area and any increased coalescence. I see no reason to designate the land as open space as in effect that is what is likely to happen. Neither do I see the need to extend the designation as there are other uses and designations that would protect those areas. Whilst the intention is to try to resist any encroachment, I have to say that there is never a guarantee that would prohibit future development in all situations. At the Inquiry, it was said on behalf of the Department that they intended to remove the diagrammatic indication on the Plans of Green Gaps in order for the Plans to be clearer (PC(M)3)and (PC36). I have also recommended that paragraph 3.25.2 should be amended by correctly identifying the area of Green Gap Proposal 3 (PC161). See also Omission Site E in Chapter 4.
- 3.54 442 supports Green Gaps.

## **RECOMMENDATIONS**

- That PC11(a) be not adopted, but the words “high quality” be added after “local materials and ...” in 3.2.1 – Spatial Vision. That PC11(b) be adopted.
- That the housing needs of Castletown be reviewed in the light of my comments in Chapter 4.
- That PC 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35 and 36 be adopted.
- That PC20 be adopted in the light of my comments.
- That PC28 be adopted in the light of my comments.
- That paragraph 3.3.2 include reference to the historical context of landscape assessments being considered at the Review of the Strategic Plan.
- That paragraph 3.6.1 include an improved explanation of the work and limited remit of the Regeneration Committee.
- That paragraph 3.14(i) be amended in the light of my comments.
- That paragraph 3.18(ii) be amended in the light of my comments.
- That Landscape Proposals 1, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23 and 25 be adopted.
- That Landscape Proposal 2 be adopted subject to the replacement of the word “generous” by “substantial”.
- That Landscape Proposal 3 be reviewed in the light of my comments in Chapter 4 relating to a more equitable spread of housing allocations in the Castletown area.
- That Landscape Proposal 7 be amended in accordance with PC18.
- That Landscape Proposal 21 be deleted in accordance with PC33.
- That Landscape Proposal 24 be amended in accordance with PC34.
- That Landscape Proposal 26 be amended in accordance with PC35.
- That paragraph 3.25.2 – bullet point 3 be amended to include the whole description in Green Gap Proposal 3.
- That 3.4 be amended in accordance with PC13.
- That Green Gap Proposals 1-3 be adopted.

**CHAPTER 4 – RESIDENTIAL DEVELOPMENT**

**Objections:**                    **000, 004, 005, 006, 012, 042, 048, 055, 057, 058, 071, 072, 073, 079, 082, 083, 084, 085, 090, 113, 120, 121, 122, 123, 124, 134, 135, 136, 137, 138, 167, 168, 169, 172, 173, 174, 176, 177, 178, 179, 187, 189, 195, 199, 200, 202, 203, 204, 205, 207, 209, 212, 213, 215, 218, 228, 322, 429, 431, 432, 433, 437, 444, 449, 467, 473, 474, 475, 476, 477, 478, 507, 501, 508.**

**Comment:**                    **003, 030, 033, 042, 066, 067, 071, 072, 073, 090, 093, 115, 123, 124, 135, 164, 165, 183, 189, 202, 219, 223, 241, 242, 277, 324, 325, 326, 329, 330, 398, 431, 432, 445, 434, 443, 447, 458, 486, 490, 491, 492, 493, 500, 502, 501.**

**Support:**                    **002, 009, 020, 056, 059, 070, 071, 073, 122, 123, 125, 175, 194, 196, 197, 198, 210, 211, 219, 223, 225, 243, 323, 327, 328, 331, 436, 439.**

**Proposed Changes:**    **PC 37-70, 160 and PC(M)9.**

General

4.01 183 urges the use of domestic sprinkler systems in public sector housing. Whilst I note this suggestion, it would have to be part of the requirements under Building Regulations rather than the Area Plan. 189 suggests that in view of the number of dwellings for rent or sale in the South of the Island, the only housing needed is for first time buyers and Commissioner’s properties. I note the comments, but the current allocations are to meet at least the population projections set out in the adopted Strategic Plan. 241 suggests the construction industry believes the lack of land and difficulties in obtaining planning permission for high net worth individuals is standing in its way of providing such schemes. I have given my views later in this Chapter upon the idea of allocating land for housing to accommodate high net worth individuals on the Island.

4.02 Under 467 it is said that the housing need figures are grossly exaggerated; there is double counting and an abuse of the system. Too many new residents are being imported into Ballasalla. I do not accept these objections. Having carefully considered all of the evidence presented to me, I am satisfied that the housing need figures are based on the best and latest up-to-date data.

Housing provision

- 4.03 474 suggests there can be no faith that the objectives in paragraph 4.2 will be translated to the ground. I suggest one should have faith that the planning process will at least attempt to achieve the objectives. 475 states that in paragraph 4.2.1, national objectives are being unfairly apportioned to Ballasalla without any of the required facilities such as roads, open space and youth/social amenities. 476 again suggests that the Plan allocates an unfair and unreal proportion of new housing to an area already overburdened and without the necessary facilities. 477 says the Plan will not strengthen the vitality of an area if not accompanied by the necessary roads and facilities. Whilst I am aware of the objectors' views regarding the projected population statistics, it is necessary to properly apportion additional housing to the South, including Ballasalla. National planning policies, as well as the Proposals in the Area Plan, should ensure development is provided with adequate road systems, facilities, open spaces and affordable homes. I record my views on the By-Pass later in this Chapter and in Chapter 7.
- 4.04 In assessing the Department's Housing Land Supply figures, I have started with the provisions and objectives of the adopted Strategic Plan. Whilst I acknowledge that the current economic situation and the housing market on the Island is quite different from the times when the Department's assessments were made, the basic objectives of land allocation have not changed. Paragraph 8.4.8 of the Strategic Plan makes it very clear that it is not intended to set a specific total number of dwellings for the Plan period, but to adopt a Plan, Monitor and Manage approach. In other words, the Plan should supply sufficient land for at least the number of dwellings intended for the South by way of an annual rate and geographical spread; then to monitor completions against annual rates and finally manage the release of more land, including Strategic Reserve (SR) land when necessary. The Area Plan indicates two SR sites; one is at Colby and one at Ballasalla.
- 4.05 Of the housing needs for the Island of 6000 additional dwellings, Housing Policy 3 sets the distribution at 1300 for the South up to 2016. However, in paragraph 5.22 of the Strategic Plan in dealing with Spatial Distribution, it states that the 6000 figure is an overall maximum figure. It seems to me there is a contradiction between paragraphs 8.4.8 and 5.22 of the Strategic Plan and I suggest the matter is re-assessed at the Review of the Strategic Plan. However, for the purpose of the Area Plan, as paragraph 8.4.8 is the text that sets the scene for the housing policies, I have taken that approach as being correct. It seems to me that it is far better to have a flexible approach to housing allocations to

cater for both good and bad times in the economic cycle and the consequent effects upon the housing market.

- 4.06 One objector quoted from the Report of another Independent Planning Inspector and which was accepted by the Minister. In that Report, the Department's approach to housing targets was questioned; it was said that housing policies do not seek to resist housing on the grounds that it is premature. That Inspector endorsed an active management of the release of land for housing and a regular check to see if allocations have been adequate or not. I concur with the approach adopted by that Inspector.
- 4.07 I suggest the Department should be less cautious in its allocations and try to plan for more flexible housing allocations. Whilst I endorse the idea of SR sites, I suggest the Department should provide more such allocations than the two listed, particularly for longer term housing allocations. If the Department find at the end of the Plan period, they have still not released such areas, then it would be a straightforward process to release them in the next Plan period. Paragraph 4.3.5 should not refer to a "target" of 1300 dwellings, but reflect the Strategic Plan approach of "at least 1300 dwellings to be built in the Plan period".
- 4.08 At least two objectors raised concerns over the Department's figures. Whilst accepting that in broad terms the figures up to 2016 are a reasonable assessment, it was said there were matters such as completion rates and the effects upon the longer term housing supply that needed to be addressed.
- 4.09 As far as the question of completion rates is concerned, the Department suggest in CD28 that as at June 2009, the take-up rate was 72%, but at the Inquiry, it was suggested that figure could be exceeded by up to 79%. Whilst I may have a pessimistic outlook, I really cannot see any evidence in the current economic climate of higher completion rates; indeed, it may be lower. In my opinion, the Department should seek to provide more housing opportunities to ensure that at least 1300 dwellings are completed within the Plan period. In paragraph 5.2 of CD28, the Department suggest that to ensure the correct level of completions, some 1805 dwelling allocations would be needed. Not only should that approach be included within the Area Plan text, but in my opinion, there should be a greater release of land in the Plan period. For example, I suggest the release of SR2 now.
- 4.10 Given the likely time that will elapse between this Report and the adoption of the Plan, as well as the time needed to obtain planning permission and build the dwellings, there will only be a comparatively short time to the end of the Plan period. I am not convinced the Department's current allocations



would be adequate to achieve the objectives of the Area Plan. As far as the monitoring of completion figures is concerned, I suggest that there should be a specific annual date for the publication of such figures. That would allow complete transparency and consistent management of the allocations.

- 4.11 Turning to the geographical spread of the housing allocations, it was pointed out at the Inquiry by one objector that in spatial terms, the majority of allocations, including SR sites, would be in villages with few facilities. I note that the allocations in Ballasalla and Colby would fall within such a situation. But I have concluded that both villages would be able to accept such allocations without significant harm to the environment and it is quite likely that with an increase in population in the two large villages, services and facilities may also improve.
- 4.12 In the case of Ballasalla, I suggest later in this Chapter that by releasing both Crossag Farm (Site 2) and the SR land now, the provision of a By-Pass would be required and that could then provide an immense environmental improvement to the village. That may well encourage better services and facilities. Bearing in mind that Ballasalla is close to Ronaldsway Airport which is one of the identified "Gateways" into the Island for visitors, a new road that improves communications and the appearance of an area should be encouraged. Ballasalla is shown in the Strategic Plan as a Service Village able to accept additional housing and employment; Colby is identified as a village able to meet local housing needs.
- 4.13 However, I am not satisfied that in attempting to provide a reasonable spread of housing allocations, the Department have paid enough attention to allocations within Castletown. I listened to the concerns of Town Commissioners at the lack of housing provision and that when compared to Ballasalla, the percentage increase in housing would be small. I have noted the evidence within CD62 and the number of dwellings converted or built within the period 2001 to the end of 2007. But as there will still be a long period between that end date and the likely completion of any allocations under this Plan, it would seem to me that further assessments and allocations are needed for Castletown. The likely areas for possible allocations would not be easy to identify or clear of problems, but in the terms of an equitable spread of allocations, particularly in what is identified as a Service Centre capable of providing a range of housing opportunities, I am of the opinion that further allocations should be made.
- 4.14 Finally I mention the question of the principle of affordable housing. I note that CD28 mentions the Government own

two sites in the South and there are additional allocations for affordable housing mentioned in Key Figure 16. The Department suggest PC37 to explain the basis for the allocation. I concur. However, it seems to me that the likely number of dwellings able to be built would be less than the number needed over the 10 years mentioned in paragraph 4.8.3. In paragraph 8.6 of the Strategic Plan, it indicates that the Government is concerned at the increasing difficulties for local people in securing affordable homes across the Island. Given the number of persons on the Public Sector Housing List and the First Time Buyer Register, I concur with the Government's concerns, particularly in the current economic climate.

- 4.15 Housing Policy 5 of the Strategic Plan requires that 25% of new dwellings is provided as affordable homes; but that Policy includes the word "normally". I suggest the Department urgently review the numbers of such homes likely to be produced within the Plan period from allocated sites and seek to achieve a higher number when planning applications are assessed. If that situation does occur, I suggest such a statement and reasons are included within the text of Chapter 4. I also suggest that the level of 25% be reassessed as part of the Review of the Structure Plan.

#### Residential development in the countryside

##### Paragraph 4.8.9

- 4.16 125 supports the Plan in respect of affordable housing.

##### Paragraphs 4.9.1-4.9.3

#### (Low Density Housing in Parkland – LDHP)

- 4.17 For representation 030, see Appendix 4 section of the Report. 084 seeks Phildraw Road to be included as Low Density Housing in Parkland (LDHP). 124 suggests the LDHP area is too restrictive and should include land further northwards and on either side of the road; reliance on the Department's Study is too restrictive. 093 has asked that the terminology used in Circular 8/89 also be used in the Area Plan. Appendix 4 be listed as Private Estate and cross-referenced to Appendix 6. The Department suggest that it would be better if the circumstances of Low Density Housing in Parkland be clarified and that clause 3(b) of the Circular would still apply; PC155 in Appendix 4 and PC160 are suggested. The Department also suggest PC38 to explain the term "high net worth individuals". As far as PC155, 160 and 38-40 are concerned I suggest they are reviewed in the light of my comments.

- 4.18 134 points out that the Plan does not address the matter of high net worth individuals or whether to build in the grounds of houses identified in the Study. There is a need to balance financial and political pressure against landscape and sustainability issues via the Area Plan and not Tynwald resolutions. There should be a new policy for the provision of stand-alone houses or estates. For 204, see Chapter 10 – Appendix 6. 398 suggests that homes in the countryside must comply with Strategic Plan policies.
- 4.19 458 objects to any form of two-tier planning system whereby large houses are permitted in the countryside for high net worth individuals contrary to Strategic Plan policies. 473 states that the objectors do not understand why the LDHP designation has not been extended up Phildraw Road, particularly when the Department need money for a By-Pass. The Department states they have conducted a thorough survey of this locality and drawn the boundaries to ensure housing, including LDHP developments, does not extend unnecessarily into the countryside, causing significant harm to the rural character of the area.
- 4.20 486 points to confusion between the LDHP designation and the PE designation; questions are raised over the designation of Lorne House and Ballakilley. There are also questions raised about whether such designation would allow redevelopment and that replacement would be unlikely to address future demand. Sites should be identified by name or number. It was questioned whether newly identified LDHP sites not in towns or villages should be candidates for development; also why it is said that they would “go towards addressing high net worth individual demand”. In other Plans, it is only when one is expecting replacement or additional development that land is designated LDHP. In Circular 8/89, LDHP sites are only allowed outside towns or villages in exceptional circumstances. Further background cases were quoted.
- 4.21 I disagree with the requested change to the designation; the intention is quite clear. As far as Lorne House is concerned, as the Department make clear, such a designation would represent a site within the built-up area of Castletown and could be dealt with in terms of other Proposals, rather than as an LDHP.
- 4.22 491 is concerned at the term LDHP unless a definition is given; there is no policy in the Strategic Plan or the Area Plan for such a designation. Neither does the Strategic Plan include an exception in planning policy for high net worth individuals; the Area Plan should not seek to do so. 501 suggests more development should be allowed within smaller settlements; paragraph 4.9 seems to be arranging a two-tier

planning system for high net worth individuals to build mansions in the countryside.

- 4.23 From the responses of the Department, as well as indications in representations to the Plan, it seems to me that the issue of Low Density Housing in Parkland (LDHP) and any extension of such areas have yet to be finally debated and resolved. The Department have yet to issue new guidance on the subject and until that time, Planning Circular 8/89 remains in force. Furthermore, at the Inquiry, I asked the Department to clarify the basis for the designation LDHP; that was submitted as CD60. I have also taken account of CD49 and CD56. From the objections I have recorded, particularly representation 491, it is clear that residents question the validity and environmental justification for designating dwellings within countryside locations to accommodate persons with sufficient funds to either extend or build very large properties set within landscaped grounds. To those objectors it seems inconsistent and unfair that most people are required to build dwellings in villages or towns in sustainable locations, whereas one particular group of residents can overcome usual planning policies in the Strategic Plan, as well as Area Plan Proposals, due to their status as "high net worth individuals". Furthermore, there is no basis in the Strategic Plan upon which to establish LDHP areas or indeed, to extend them.
- 4.24 I acknowledge that the Department have carried out a study of the Phildraw Road area for such a designation. But from reading the Circular and the Study, I am still not clear as to why the Department feel the need to carry forward the existing LDHP designations, let alone increase them with more such designations. It would be perfectly possible for existing large houses within grounds in the countryside to be dealt with by way of the countryside policies in the Strategic Plan. Many existing and proposed LDHP designations are located in isolated positions in the countryside and to suddenly find a designation on the Map seems to me quite incongruous; it is particularly odd when in some cases an adjoining dwelling having similar circumstances, is not so designated. During my site visits I also noted very large dwellings built in isolated rural locations. I suggest that until the issue is clarified, Development Control Officers of the Department should not recommend such forms of development on the basis of LDHP.
- 4.25 Neither do I accept the contents of CD60 are a proper or reasonable basis for LDHP designation. It seems to me that an idea that was put into the 1982 Development Order, with guidance in Circular 8/89 has not been thought through satisfactorily. Although this is an Island-wide issue, the matter was not included in the assessment of the Strategic

Plan, but now appears to be introduced in an ad hoc manner within an Area Plan. I have no evidence that the principle of this designation was allowed to be debated or considered at the Strategic Plan Inquiry in a fair or transparent manner.

- 4.26 As far as the Phildraw Road Study is concerned, I suggest the assessments of individual sites may be seen as being arbitrary and without a proper basis for establishing the principle of such a designation in that particular location. I did note that in Section 3.3(c), as well as 10.4 of CD49, there was a recommendation that the whole issue be looked at properly within the Review of the Strategic Plan on an Island-wide basis. To my mind that is the correct and proper process as it would allow residents of the whole Island to have a transparent debate as to whether such a designation should be permitted and allow one particular group of residents to overcome adopted policies of the Strategic Plan.
- 4.27 I suggest that solely for consistency purposes, the Area Plan retain the existing LDHP designations, but not to contain any additional LDHP sites. That would mean amendment to Appendix 4 to delete Proposed LDHP sites, as well as an explanation within the text of Chapter 4 to explain that the issue of LDHP sites and accommodation for “high net worth individuals” should be the subject of a transparent debate and assessment as part of the Review of the Strategic Plan. Unless this process is adopted, there would be the situation whereby the LDHP provision of this Area Plan would apply to one part of the Island and the 1982 Development Order and Circular 8/89 would apply to the remaining areas.
- 4.28 In view of my comments regarding the principle of LDHP sites and the need for a proper public debate and assessment at the Review of the Strategic Plan, I have not pursued the comments of a number of objectors wishing to amend, extend or oppose such designations.

#### Paragraph 4.10

- 4.29 492 makes suggestions regarding high net worth individuals. At the Inquiry, it was said that no sense of place had been created for groups of houses and inadequate account taken of the historical landscape. It seems to me that paragraph 4.10.3 was intended to explain the circumstances of the study rather than to address the points raised. I do not consider it should be amended. For representation 501, see previous paragraphs and for 073, see under Omission Sites.

#### Residential Proposal 1

- 4.30 322 states that the building referred to is worthy of Registration and should be fully assessed and recorded.

Whilst I note the comments, the process of Registration is not part of the Area Plan considerations. However, I raise no objection to PC41.

## Residential Proposal 2

4.31 323 gives support to the Proposal.

## Strategic Reserve Sites

### Proposal Sites SR1 and SR2

4.32 071 supports the residential zoning, but given the suitability and availability of the land, suggest the land should not be held back as a reserve site as that would inflate prices. The Plan needs to be flexible and SR1 is suitable for affordable housing, including provision for elderly people, at a higher level than the 25% required by the Strategic Plan. Adequate vehicular access is possible. 079 suggests that holding back development on Reserve Sites would exacerbate the problems of high land prices and scarcity of building land. 085 points out there is still uncertainty regarding the By-Pass (SR2) and there needs to be a more precise definition of uses in order to cope with increased traffic levels.

4.33 123 is also concerned at the lack of a By-Pass in order to facilitate additional housing; the By-Pass should not be just development led, but funded jointly. The process should be less prescriptive and industrial allocations in SR2 should be retained. This objector is in broad agreement with the proposed designations. However, part 3 of the Development Brief for SR2 would be unduly restrictive and may prevent the By-Pass and associated development from being provided when it is needed; it is noted that the Department now accepts that an overall phased approach may be acceptable which would allow the By-Pass to proceed alongside other proposals and in stages. A Legal Agreement would be needed. Transport Proposal 1 seeks to safeguard the route of the By-Pass; the existing indicative allocation should be retained. There is a general recognition that the highway infrastructure and community facilities are in need of improvement and expansion, particularly if new housing is to take place; the By-Pass is an ideal opportunity to integrate all of these elements in a comprehensive manner. Even a new school site could be integrated into a Master Plan.

4.34 The same objector suggests that total housing figures quoted by the Department of 1300 dwellings in the South should not be taken as a maximum; that would be contrary to 8.4.8 of the Strategic Plan. The delivery of the housing allocation for SR2 should not be linked with the provision of the By-Pass. Neither should the commencement of the housing be

prevented by the designing and construction of the By-Pass by the Government. The delivery of SR2 should not be affected by any slippage of the Review of the Strategic Plan or a Monitoring Report for the South. The Department's point 3 of the Development Brief should include reference to a detailed By-Pass scheme and point 5 deleted. At the Inquiry, the Department accepted that they were not attempting to make the developer pay for the completion of the By-Pass. The Department also suggest that Map 4 be amended to reduce the size of the housing allocation in SR2 and increase the industrial allocation at Balthane. For 203 see later in this Chapter under Omission Sites.

- 4.35 219 supports the allocation of SR2, but asks that information be made available confirming the need for a By-Pass; if that is not forthcoming, the allocation should be omitted. Also, no development should proceed until there is a final financial commitment for the By-Pass, a detailed scheme is approved, the road constructed and made available for use. There is no reference in the Development Brief for landscaping, sheltered housing or retirement homes. In later correspondence, it was asked that the Development Brief be amended to provide adequate landscaping between new and existing development, as well as providing an EIA. 324 suggests an appropriate archaeological evaluation is need for SR2 and any mitigation measures. I agree with this comment and support this aspect of PC44. See Chapter 7 for 365/366 and a Ballasalla By-Pass EIA.
- 4.36 In my opinion, the principle of Reserve Sites is a sensible and flexible way in which to deal with the release of land for housing in the future. I am satisfied that the Department generally have a clear and well thought out methodology for releasing land when needed. I concur with PC42 in order to clarify Ballasalla By-Pass.
- 4.37 However, earlier in this Report, I suggest that the Department should be more flexible in its housing allocations to allow for any slippage of completion rates and changes to the economic climate. Whilst giving general support to the concept of SR sites, I also suggest that SR2 should be released now. In my opinion, that would allow the By-Pass and additional housing to progress. Indeed, in CD27, the advice from the Highways Division is that the By-Pass "will result in part from the development of the reserve sites and sites designated for development". Also, sites that fall within these categories should make a contribution to the construction of the By-Pass. I do accept that based upon current statistics and data obtained by the Department, there is no justification for a By-Pass from existing traffic generation and the likely additional traffic from the Crossag

Farm development. But, just as traffic figures have dropped, they could just as easily increase again.

- 4.38 But if SR2 were to be released, it is likely there would have to be a Ballasalla By-Pass. Not only would that assist traffic in the village, but from a social, community and environmental aspect, it would be possible for there to be an immense potential for improvement. Even if the SR2 land were released now, it is not likely to contribute too much to the housing figures within the Plan period given the time needed to create a master plan and to work out the details of the By-Pass. Also how, and at what level, the financial contributions from developers should be set.
- 4.39 I was impressed by the passionate manner in which local residents were concerned at the need to improve the general environmental context of Ballasalla. This very much follows the Inspectors comments at the previous Inquiry. The release of SR2 now, as well as the completion of the By-Pass, could provide much needed facilities and additional services in the settlement and create an environmentally successful village centre that would complement the environmental improvements being carried out on the public housing at Clagh Vane. Residents told me at the Inquiry that they have repeatedly been promised a By-Pass, but it has never happened. In my opinion, the residents of Ballasalla deserve those improvements that could come by way of a By-Pass, and quickly. As I mention elsewhere in the Report, a new By-Pass would provide much needed improvements in communication and appearance close to Ronaldsway Airport, which is a main Gateway into the Island.
- 4.40 In terms of the Development Brief, I suggest that a legal agreement should be required with any developer to establish the method of contribution payments for the By-Pass and the varying services and facilities mentioned in point 4. Points 1 and 2 in PC44 should be omitted and point 3 should include reference to a "By-Pass approval". I can see little wrong with points 4 and 5 of PC44. Similarly, the amount of housing allocation and other planning issues raised in response to the Department's new route for a By-Pass seem to me to be acceptable. Given the details required by the Development Brief, I do not agree that an EIA is necessary. However, the Department's PC44 and 45 should be re-assessed in the light of my comments.
- 4.41 The Department need to urgently work out how the By-Pass would be paid for and the contributions that would be paid by a developer. Whilst I have no basic objection to PC43, I suggest it is re-assessed as such contributions should be reasonable, but substantial, because of the amount of housing and industrial development that would be released



and serviced by the new road. It is also a fact that the new By-Pass would be able to allow the improvement of the centre of the village and that would enhance the setting for new housing as well as becoming part of much better environment within the village. I emphasise that it is essential the By-Pass is completed to serve the SR2 allocation and that the new development should not be allowed to increase traffic flows on existing roads within the village.

### Proposal Sites

#### General

- 4.42 The Department suggest the title "Housing Proposal 1" be re-named "Residential Proposal 3" under PC46. I have no objection.

#### Site 1

- 4.43 210 and 211 support this Proposal. 478 suggests there needs to be a better system of enforcement. The Department state that this objection is not a matter for the Inquiry. Given the location of this Proposal Site, I support its inclusion within the Plan subject to the Development Brief. However, I disagree with the Department's response in respect of enforcement of both planning conditions and the requirements of the Plan. If a site is proposed for development in the Plan subject to various criteria, then it is essential that the Department ensure any scheme is permitted in accordance with the criteria and then carried out in accordance with the planning permission. I recommend that the Department include such a commitment within the Plan.

#### Site 2

- 4.44 083 asks for part of the site to be for Low Density Housing in Parkland. There is no specific detail for the development of this land; the Inspector is being asked to consider an incomplete and defective Plan. Whilst I am aware that there is some support for low density housing, there is also a need for the Department to support schemes that make the best use of the land that is allocated; that may well include higher density housing and affordable homes.
- 4.45 215 supports the designation, but suggests the development should not take place until sufficient information, including a transport impact assessment is made available. The Development Brief should include traffic impact assessment, density, an EIA and assessment of the effect upon the Crossag Stream and consultations with Commissioners; there should be a maximum density of 13 units per acre and a total

of 165 units. If the new school is developed on Site PPS2, the number should be reduced pro-rata. There should be a maximum density of 13 units per acre and a total of 165 units; if the new school is developed on the site, the number should be reduced pro-rata.

- 4.46 At the Inquiry, the objectors re-affirmed their concerns relating to access, highways and density; reference was made to the previous Planning Inspector's Report which opposed development as it would be premature in advance of the Area Plan and commitments regarding primary school provision and road proposals for Ballasalla. That Report also mentioned that housing provision beyond that needed for local needs would be contrary to Spatial Policy 3.2 of the Strategic Plan.
- 4.47 Objectors were disappointed that the Department did not release the Sanderson's Report until very late, despite repeated requests to do so. Any decision that goes against the decision of the Council of Ministers on this land must be fully justified. As the Department have now released their Core Document 28 relating to residential figures and in particular to Crossag Farm, the objectors now confirm support for a density of 13 dwellings per hectare with an estimate of 165 dwellings for Crossag Farm. That support is still subject to the inclusion of an EIA within the Development Brief, provision of a new Primary School (Chapter 8), the provision of a By-Pass (Chapter 7), SR2 (Chapter 4) and Site 3 (Chapter 6). See representations 216 and 221.
- 4.48 Representation 228 is concerned at the possibility of a distributor road link between St Marks Road and Douglas Road. The Plan does not provide such a proposal or justification for such a link, but paragraph 4.23.2 and the Development Brief refer to investigations and a TIA to discover advantages and disadvantages of that form of road. Once the Department published their own TIA it became clear that the assessment concluded a distributor road was not warranted by the proposed development and that such a road system would reduce the area of residential use, including affordable housing. The Department appear to be trying to gain support for a new road proposal that is not justified by the allocation. It is asked that the Inspector's Report includes the fact that there is no support for such a link, the Development Brief does not provide for such a link and the only evidence before the Inquiry indicates that a link is not warranted.
- 4.49 At the Inquiry, and in response to Representation 228, the Department stated that the main reason for an investigation into whether there was need for a distributor road was due to comments made by a previous Inspector. Whilst the

Sanderson Report does not exclude access to St Marks Road, some statements in the Report are contradictory. That Report does look at a wider area than Crossag Farm land, but not at road junctions because that would be for a TIA. It was accepted that the only change in circumstances was the Sanderson Report and that any link road need not be a distributor road. The Department do require the retention of points 1 and 2 of Development Brief 3.

- 4.50 In response to representation 215, the Department stated that they were opposed to the inclusion of a maximum number of dwellings in the Development Brief as the numbers would depend on the layout; even an indicative number would be seen as a maximum number. Core Document 28 allows the Department to be confident of reaching the overall housing targets. Although the Department considered there was no need for an EIA, it was accepted that one would meet the requirements of the Strategic Plan. As far as the school is concerned, discussions would take place with other Departments.
- 4.51 In my opinion, this allocation would provide a logical extension of the existing built-up area; it is also a fact that when refusing planning permission in 2006, the Government recognised the need for additional housing in Ballasalla. Given the comprehensive nature of the Development Brief, I have concluded there is no need for an EIA.
- 4.52 The Area Plan is intended to provide the principle of allocating such land and provide broad guidelines in the Development Brief. It is not intended to be a substitute for a properly designed and detailed planning application; it is at that stage details such as density and the precise location of the access would be determined. I am satisfied the Development Brief provides the correct level of guidance. 325 suggests that Monks Bridge and Rushen Abbey should not be endangered by alterations to the drainage required for development on Site 2. I agree with this comment, but the Development Brief already requires a drainage plan and flood risk assessment.
- 4.53 As far as representations 215 and 228 are concerned, I suggest far too much has been made of both the Sanderson Report and the inclusion within the Development Brief of the need to seek the benefits or not of a distributor road. Firstly, I do wish to record that the publication of the Sanderson Report at such a late stage in the process of the Area Plan was not helpful to the Inquiry. I suggest a much tighter control was necessary upon the Consultants over both the timing of the Report and the matters which were to be addressed. As a result of the timing of the Report and my subsequent ruling that I would accept it as part of the

Department's evidence, was not only unpopular, but put the Department in a bad light. I do accept that because the Consultants did not complete their work in a timely manner, the Department were in a difficult position in deciding whether to publish the Report or not. The former was criticised as giving objectors too little time to consider the matters raised and the latter would have been likely to have raised questions as to whether the Report was not helpful to the Department and therefore suppressed.

- 4.54 Nevertheless, I am satisfied that as objectors had over 2 months to consider the Report and were able to ask relevant questions at the Inquiry, none were significantly disadvantaged. Having said that, I did not find the Report to be particularly helpful; in my estimation, the only significant matter raised was that a distributor road was not necessary to serve the proposed allocation and that if it were introduced then the amount of land for housing would be reduced.
- 4.55 In my opinion, it is crucial that the Department should obtain the maximum number of dwellings from this site as possible. As far as a distributor road is concerned, the Department's witness was quite clear that there is no automatic requirement for such a road. But in response to the comments made by a previous Inspector, the Department were trying to establish whether the Site 2 development should also include provision for other road systems. To my mind that seems very reasonable. Indeed, the Department should be aware of the effects of development at Site 2 upon the road networks before any scheme is permitted and that is why I support the Development Brief.
- 4.56 However, I suggest, as discussed at the Inquiry, that paragraph 4.23.2 should make it clear that a distributor road may not be required, as well as the essential conclusions of the Sanderson Report. Clearly, the Government will have to decide upon the siting of a new school very soon, because that would affect the layout of this site. I urge the Department to seek urgent discussions with other Departments to resolve the siting of the new school and establish whether it is possible to include community facilities within the school. I support the site 2 allocation.

### Site 3

- 4.57 See also Employment Proposal 2 in Chapter 6. Representation 012 suggests that vehicular access should only be from Balthane Industrial Estate; see also Employment Proposal 2. The Department suggest Proposed Change 110 to address various issues, including access to the site. 067 asks for clarification of the sort of uses and

buildings that would be acceptable; access should be onto the new main road. 082 mentions that a new access onto the Douglas Road was dismissed on appeal on traffic safety grounds; development should not be pursued until there is a resolution of the By-Pass issue. 138, 167, 168, 173, 174, 176, 177, 178, 213 and 218 have similar opinions; the latter oppose any direct access onto the Douglas Road.

- 4.58 At the Inquiry, references were made to the opinions of previous Inspectors in opposing direct vehicular access to Douglas Road; such access should only be via the Balthane Industrial Estate. The highway evidence given stated that a minor access onto the main road would be contrary to the Transport Division policies and be detrimental to the free flow of traffic; a major access would have restricted visibility of on-coming traffic. Alternative routes were indicated that would avoid a new junction onto Douglas Road. An alternative route provided via the Airport roundabout and linking the Industrial Estate and Freeport development would be beneficial to existing facilities and Site 3. Objectors accepted that they did not oppose Site 3, but only a vehicular access to Douglas Road; an emergency access may be acceptable.
- 4.59 172 asks for re-routing of any By-Pass due to increased traffic volumes likely around Site 3. The Department suggests PC110 that would include the main access from the Balthane Estate; the Department submitted CD27 which sets out options for a second access and concludes that the preference is via a private road owned by the Department of Infrastructure. At the Inquiry, it was said that an emergency access may be acceptable onto Douglas Road.
- 4.60 In my opinion, Site 3 is a logical extension of the industrial designation of the Balthane Industrial Estate. I also acknowledge the concerns expressed in the representations regarding vehicular access to this site. I disagree that Site 3 should be omitted; my comments regarding the Ballasalla By-Pass are given earlier in this Chapter and in Chapter 7. 507 states that the route of the By-Pass should be extended. The Department accept there is some merit in the suggestion.
- 4.61 Whilst I note the PCs suggested by the Department, in my opinion it would be a mistake to create any regularly used vehicular access from this site onto the Douglas Road. Not only is there likely to be a danger to the free flow of traffic on an important road, but given the proximity of existing vehicular access points and linking roundabouts, it would be unnecessary. I endorse the preferred route set out in CD27; the provision of an emergency access onto the Douglas Road

may be a possibility. I support site 3 designation subject to my comments regarding the vehicular access.

#### Site 4

4.62 059 supports this Proposal and asks for maximum use to be made of such sites for development. 194 also supports this Proposal. I agree with the Department that this suggested designation is in a good position as it adjoins existing residential and other forms of development; it also adjoins a main road. Whilst the Public Safety Zone may restrict development in the northern corner, the remaining area should provide a mix of dwelling types, including if possible, affordable housing. I concur with representation 059 in that the maximum use should be made of the land in density terms. I support the development of site 4.

#### Site 5

4.63 The Department suggest PC47 to insert 1.5 hectares in the description of the site. I have no objection. 020 gives support for this Proposal. 195 suggests this land has the potential to contribute to development in Castletown, but the Development Brief should be amended to identify uses as predominantly residential and car parking provided it would not increase flood risks. The Department points out that Planning Policy Statement – Development and Floodrisk requires a sequential approach to areas liable to flooding and mitigation measures are possible. It is felt that given existing and permitted uses on the land, the site is in a good position to complement the town centre, is accessible on foot and well placed to provide a link between the railway station and the town centre. The Department consider this would ensure businesses remain in Castletown.

4.64 057 points out that Site 5 is within a high flood risk area, would fail any sequential test, adjoins residential properties, has a constrained access and adjoins a Conservation Area; it is also prominent in views from Castle Rushen and Silverburn and is important in townscape terms. The site should be removed from the Plan. In a letter dated 27 September 2011, it was confirmed that there were still objections to this designation despite the Department's Proposed Changes to Chapter 6 – Mixed Use Proposals.

4.65 At the Inquiry, these objectors reiterated their concerns. Among the matters raised, it was said that the proof of evidence produced by the Department's witness dealing with flooding was partly written by another person; neither could the witness explain why his evidence was based upon economic and social issues rather than flooding. He did not explain what "vulnerable development" meant. However, the

Strategic Plan states that development that would result in an unacceptable risk of flooding would not be permitted. Furthermore, the Government's Planning Policy Statement (PPS) 1/09 requires a sequential approach to development of land liable to flooding, the development to have low vulnerability and reduce the risk of flooding to the surrounding environment. Also, Area Plans to identify suitable areas for development that avoid areas of flooding and for those Plans to be in conformity with the Strategic Plan. But the fact remains that site 5 contains greenfield and brownfield land that is at risk from a 1:10 year tidal event and from fluvial flooding. The land is a functional flood plain and should not be used for vulnerable development.

- 4.66 In terms of traffic, all access roads are significantly substandard and any new development could not increase the intensity of use without a new access directly onto the A5. That would involve the demolition of two houses and the need to accommodate a 3 metre drop in site levels by way of a significant ramp some 55 – 70 metres long; the access would also need to serve the town centre. Such circumstances would preclude a supermarket because of delivery vehicles; suggesting such vehicles could access at first floor level is a "red herring". These circumstances would be likely to render the development non-viable.
- 4.67 The paddock and adjacent green land extends to about 30% of the site and has not been previously developed contrary to the evidence of the Department's planning witness; the Plan requires trees and vegetation to be retained. The paddock should not be zoned for development in view of its important role in the flood plain and its visual amenity value. Bearing in mind the adjoining Conservation Area, this site is unsuitable for a Mixed Use development. At the very least, the wording of the Plan should be changed from stating site 5 "would be suitable for Mixed Use" to "will be considered suitable for Mixed Use".
- 4.68 Among the points made by the Department at the Inquiry, it was said that existing uses on the site include general industry, retail, residential and open space; in the extant Castletown Local Plan 1991, all of the land is allocated for industry. In Strategic Plan policy terms, the site is within Castletown, which is a Service Centre and development would accord with Strategic Policy 2; the land is in a highly sustainable location in terms of proximity to the town centre and in transportation terms. Redevelopment would be consistent with Strategic Policy 1. In flooding terms, there is a requirement for a Flood Risk Assessment (FRA) and it is the expectation of the Department that the mix of uses would comply with Environment Policy 13. The draft Planning Policy Statement does allow for some development to be permitted

within areas liable to flood; there is evidence of tidal flooding, but not of fluvial flooding. The identification of the land as being liable to flood is not a reason for precluding development; the decision upon the final forms of development will have to be informed by all relevant material considerations.

- 4.69 Vehicular access is already via Milner Terrace and carries up to 1000 vehicles each day, including commercial vehicles; that route could be used for access to the new development. Adopted highway standards would allow a 1:14 ramp into the site from the A5 Alexandra Road. There are a range of different options to improve highway access. The access and ramp implication should be dealt with at a detailed planning stage. Any development would have to address the implications for the Conservation Area, but should not preclude a Mixed Use designation. It would allow wider benefits for residents in terms of vehicular access and a wider visual improvement. The paddock area is clearly under-used and there is nothing in that use, or the presence of trees, to preclude this redevelopment opportunity.
- 4.70 242 accepts that Qualtroughs Yard could be used for Mixed Uses. 326 mentions that there are still concerns over flooding; also there is a need for an archaeological evaluation. The Department have no objections to the use of the word "evaluation" in section 6 in accordance with PC48.
- 4.71 At the Inquiry, objector 057 suggested that 30% of the land is now used as a paddock and should remain as open land. Whilst I acknowledge that the land is quite different in appearance and use to the remainder of site 5, it is well within a sustainable location and as such new development would comply with Strategic Plan Policy 2. Indeed, one witness for objectors 057 stated that site 5 had certain advantages including the location of the land. I suggest it would be unreasonable to require the paddock land to remain as open land; any scheme for this site could include substantial boundary landscaping and retention of some trees adjoining the river to provide mitigation.
- 4.72 The objectors suggest that there are a number of constraints that would limit the development potential of the site; they include the potential to flood, highway access, design and impact upon amenity. To a large extent I agree with those comments. I listened carefully to the evidence given by the Department's witness in respect of flooding and I have to say that I was not satisfied that adequate thought or justification for the conclusions reached had been given. The formal response from the Drainage Authority when consulted upon the Plan Proposals was that this site contained both greenfield and brownfield areas; no comment was made



upon the development on the former land, but they stated that they could not recommend any vulnerable forms of development on the brownfield land.

- 4.73 Less vulnerable forms of development are said to be shops, restaurants, offices, industrial buildings and warehouses. But the Plan states at 4.28.3 that the Mixed Use allocation may include some residential forms of development. When I asked the witness how such residents would escape in times of flooding of the site, it was suggested that there would have to be a form of first floor walkway. It was also said that elderly person accommodation would not be supported. These matters do have the potential to affect both the content and design of any future development on the land.
- 4.74 I fully accept that in assessing Proposals within the Plan, I need only consider the principle of any forms of development. But where a site is clearly within an area likely to flood, indeed shown as a high risk area for flooding, I would have thought the Drainage Authority should have been far more precise as to the uses that could be put upon this land. I do not consider that it is adequate for the Department to simply put within the Development Brief that a Flood Risk Assessment (FRA) is required; that is of course needed, but so is a far more detailed investigation and assessment of the form, design and uses appropriate to such a site. I have to point out that despite the basis for giving advice upon the development of this site, the Drainage Authority appears to overcome any objections or problems regarding flooding, by saying an FRA is needed and the allocation is necessary due to economic and social reasons. I do not consider that is at all adequate.
- 4.75 I now turn to the highway aspects of site 5. The Department witness correctly stated that Castletown is a main centre of population in the South, with rail and road links, and well served by a bus service. Site 5 was said to be accessible by all modes of transport, including sustainable modes of transport; it is within 400 metres of the main town square retail area. During my site visit to this site, I took the opportunity to walk between the land and the town square; that distance took me some 5 minutes to walk at a moderate rate. Whilst I acknowledge that persons with heavy shopping may not walk that distance, I agree with the Department that site 5 would be a suitable complement to the shops and businesses in the town centre in terms of location. Indeed, little objection has been raised on this basis.
- 4.76 However, there are problems relating to the existing and proposed vehicular access points. The Highway Division of the Department would prefer a purpose built vehicular access onto the A5, including a 1:14 ramp at a point close to the

residential properties of Springfield and Fairfield; Milner Terrace, Athol Terrace and Back Hope Street should be closed to traffic, except for perhaps an emergency access. To my mind, much of this advice is reasonable and proper in highway terms, but it does have implications as to the design of any development on site 5. An example was given of perhaps allowing commercial vehicles to gain access at first floor level, with car parking at ground level.

- 4.77 At the Inquiry, the Department's witness accepted that there are problems with existing access roads around site 5; all are sub-standard, particularly for a large number of additional vehicles. In my opinion, there are far too many variables or problems regarding a proper form of access to this site to allow me to be satisfied that the site 5 allocation should be supported.
- 4.78 Given the constraints that in my opinion still need resolving prior to an allocation being confirmed, I suggest any changes would be likely to have a significant effect upon the final design, form and uses for site 5. The land is adjacent to a Conservation Area and therefore careful thought has to be given to the design and form of new development. But it is in a location where a good standard and innovative form of design could enhance the locality. But that has not been investigated at all. At the Inquiry, one witness said that new development would probably be at two storey level, but given the constraints and circumstances I have mentioned, it seems to me that such a restricted form of development would be a waste of a valuable town centre resource.
- 4.79 In my opinion, it is not acceptable to delay a more detailed investigation of these matters by including within the Development Brief a reference to an FRA, the vague reference to highway "considerations" and the likely consequences of those matters upon the design of future development. I have already accepted that Proposals within the Plan should be dealt with in principle rather than in too much detail. But from the evidence I have received, I am not satisfied that an acceptable and proper form of development or the uses mentioned, would be able to be provided.
- 4.80 I strongly recommend that the Department urgently seek the precise requirements of the Drainage Authority and Highway Division, as well as coming to a conclusion upon at least the approximate design and form of any new buildings. Such matter should then be put within the Development Brief. If the outcome restricts various forms of development, then that should also be put within the Development Brief. In my assessment, these matters are far too important to leave to the Development Control stage of a planning application.

Site 6

- 4.81 196 and 225 support this Proposal. The Department acknowledge the request to increase the number of dwellings to 3, but as such land may be within the Public Safety Zone of the Airport, the site is likely to only be suitable for 2 dwellings. I agree that given the location of the site, the land would be acceptable in principle for housing, but that because of the Public Safety Zone, only a limited number of units is possible. I support the development of site 6.

Site 7

- 4.82 197 and 327 support this Proposal; the latter asks for the measures suggested for the protection of trees to become model planning conditions. 004 objects to the Proposal as the Development Brief cannot be met and important views have been ignored; the current designation of "private woodland and playing fields" should be retained. 137 has similar opinions. 207 asks for the allocation for 2 dwellings to be returned to 3.

- 4.83 Having visited this locality, I support the principle of the designation. I have concluded that the suggested vehicular access would be adequate to serve the limited number of dwellings proposed. I note the concerns of the objector regarding the use of the lane for parking by local people, but I am informed it is owned by Buchan School. The Development Brief allows for the protection of boundary trees, wildlife interests and the land is in a sustainable location in the urban area. As far as the number of dwellings is concerned, I agree with the Department that until a thorough tree survey has been carried out, it is difficult to predict the precise number. Therefore, I support an amendment to the Development Brief to record that a maximum of 3 dwellings may be allowed subject to the outcome of the tree survey. Whilst I acknowledge the useful suggestion regarding model conditions, the Area Plan is not the place for such matters as they are imposed at the planning permission stage. I support this designation and the Department's PC49.

Site 8

- 4.84 198 and 328 support this Proposal. As planning permission already exists for this development, I concur with the designation.

Site 9

- 4.85 See also Community Facility Proposal 2 in Chapter 8. I concur with this Proposal; the text in paragraph 4.36 of the Plan should be amended to refer to Chapter 8 and not

Chapter 7 and I agree with PC50. However, I acknowledge the concerns in representation 383 and suggest there would be no harm in the inclusion of a reference to archaeological evaluation within the text.

Site 10

- 4.86 See also Community Facility Proposal 4 in Chapter 8. I concur with this Proposal; the text in paragraph 4.37 should be amended to refer to Chapter 8 and not Chapter 7. I agree with PC51.

Site 11

- 4.87 329 asks that the risk of visual intrusion and agglomeration be noted and a condition be attached to mitigate any effects. 205 supports the Development Brief. I am satisfied that the criteria in the Development Brief are adequate to deal with these matters and it will be for the Department's Officers to assess any scheme when dealing with a planning application. I support this designation as it is well located within Colby and between existing residential areas. Vehicular and pedestrian access, landscaping, flood risk assessment and open space matters are all included within the Development Brief. Due to its location, I urge that the best possible use and density should be achieved, including affordable housing.

Site 12

- 4.88 330 asks that the risk of visual intrusion and agglomeration in the Colby area be included. I am satisfied the criteria in the Development Brief deal with such matters. I support this designation as the land is well located within the main built-up part of Colby. I again urge that the best possible use and density be achieved, including affordable housing. I note that planning permission already exists, but if that did not include affordable housing, the Department should still seek to achieve that requirement in accordance with the Strategic Plan policies.

Site 13

- 4.89 434 asks for an amendment to the Development Brief. The Department suggest PC52 to deal with the matters raised. I support the designation and am satisfied the changes would provide a reasonable basis for the new development. The land is well located within Colby and I agree with the Department's suggestion that the best possible density should be achieved and note the site is intended entirely for affordable homes. Map 6 would need amendment under PC53.

Site 14

- 4.90 277 asks for a bat survey to be added to the Development Brief. As planning permission has already been granted, the Department suggest PC54 and 55; the latter requires consultation relating to a bat survey.

Site 15

- 4.91 See also Recreation Proposal 1 in Chapter 8. Representation 002 supports this designation for football pitches. I concur with the designation; given its location, it is an appropriate site for playing fields. However, as the Plan is intended to indicate land-use designations, the wording of the Proposal should exclude "... to enable the relocation of Colby Football Club". Such an explanation may go within the text, but the Proposal should be limited to a land-use of Open Space/Playing Field. This was accepted by the Department at the Inquiry.

Site 16

- 4.92 120 asks that the site be allocated for a mix of community, leisure and low density housing. The objector points out that the Sites 12 and 16 are within their ownership; they accept that Site 16 (PC58) could accommodate a Community Meeting Hall, public tennis courts and associated parking, as well as housing. There is no evidence or assessment that there is a need for more than those uses. Furthermore, Site 13 should not be required to accommodate tennis courts. The objector agrees with the Department's revised Development Brief for Site 16 with the exception of the second sentence of point 4, because the delivery of the community facility would be for a third party to provide.
- 4.93 At the Inquiry, the Department confirmed that they did not require the objector to build the facilities; the objector accepts that they would provide the land for the facilities. Whilst the Department accepts that this site could be used for low density housing and community/recreational purposes on a split of 60% residential and 40% community and recreational, they also agreed that a higher density could be provided.
- 4.94 I am concerned that both the objector and the Department seek a low density form of housing on a site which is well located to the built-up part of Colby. As with any well located housing site, the best possible use should be made of that land to ensure there is a proper supply and range of housing and density to cater for all sections of the community.

- 4.95 I have no objection to PC59 relating to the designation on Map 6, but suggest that the Department's PC56, 57 and 58 be amended to record in the Development Brief that the housing should be a mix of housing types, including affordable housing if that accords with the Strategic Plan requirement. Reference to low density should be omitted in Point 1 of the Development Brief and replaced by the words "for a mix of housing types and densities, including affordable homes". The second sentence of point 4 should be replaced by a requirement for a legal agreement to accompany any planning application for the provision of the land for the community facilities prior to commencement of any housing development. Point 3 should be omitted. Under representation 373, within Chapter 8, it is suggested that an archaeological evaluation is necessary for this site. I agree with that suggestion and recommend that is also included within the Development Brief. 436 supports the proposal.

Site 17

- 4.96 175 supports this Proposal. I support the principle of using this land for residential development as it is adjoined on most sides by housing. However, I question the need to restrict the number to just one unit. Subject to the appropriate vehicular access and the tree survey, I see no reason why the usual density levels should be removed. I suggest point 1 of the Development Brief be removed and replaced by the following: "Housing numbers will be dependant upon an adequate vehicular access and the findings of a tree survey".

Site 18

- 4.97 205 supports the Development Brief. The Department acknowledge that Ballakillowey is not a settlement identified for development in the Strategic Plan, but the principle of developing this site was established in 2004. Although subsequent development was refused, new development would "round-off" an existing developed area. I do have concerns at permitting new development within a settlement that has few services and facilities. However, Site 18 would allow rounding-off of existing development and the settlement is close to Port Erin. I therefore support the principle of the designation, but suggest that if the land is to be used for housing, density levels should make the best possible use of the land and include affordable housing if it is possible, in order to accord with the requirements of the Strategic Plan. The Development Brief should be amended.

Site 19

- 4.98 The Department state that planning permission for one dwelling was given in 2009; the impact of any development

would be minimal. I agree with the principle of the development, but as with other sites, I suggest that in terms of density levels, the best possible use should be made of the land. The Development Brief should be amended accordingly.

Site 20

4.99 The Department suggest that this 1.7 hectare area of land could be developed for low density housing. Given the location of the site, I agree with the principle of the designation. However, I do not accept that any scheme should be limited to just four dwellings; in my opinion, that level of density would be a considerable waste of resources. If this site is to be built upon, there is no reason in my assessment why a level of density and mix of housing types should not be achieved providing the layout demonstrates adequate screening and landscaping for adjoining development. I suggest the scheme should include affordable housing in accordance with the requirements of the Strategic Plan and the Development Brief amended accordingly.

Site 21

4.100 066 is concerned that new houses will remain empty; should not be increasing population unless of benefit to the economy of the Island. 443 suggests any development should harmonise with existing development. 439 supports the proposal.

4.101 As the Department point out, a balance has to be achieved between the housing needs of the existing population and preserving the environment. The housing and population projections indicate a need for more homes. Given the location of Site 21 adjacent to existing housing, I see no reason to oppose this Proposal. However, given the existing adjacent housing, a level of density and mix of housing should be required that is commensurate with the location, including affordable housing if that accords with the requirements of the Strategic Plan.

Site 22

4.102 003 asks for the retention of green space and grassed areas, trees, shrubs and a place to sit. In response, the Department have suggested PC 61. I agree that such an amendment would improve and clarify the Development Brief.

4.103 033 asks for the refurbishment of public toilets to be included. This is a matter for the Port Erin Commissioners; it is not part of this Proposal. Support is given under 056 to

Mixed Uses. However, under 055, the same respondent asks for Site 22 to be extended to include a car parking area, require a range of uses and the design/access statement only refer to buildings. The Department agrees and suggests PC60. Map 7 would be amended under PC62.

Site 23

4.104 070, 243 and 331 support this Proposal. 493 asks for the Development Brief to include retention of the building. I am satisfied that the Development Brief is already adequate and sufficiently flexible to deal with this matter. I support the development of the site.

Site 24

4.105 009 supports the use of Site 24 for a rugby/training pitch or public open space. 042 asks that the boundaries of the allocation should not be extended, there should be a softening of the boundaries, convenient access/mix of types of housing and an extension to the cemetery (see Chapter 1 for representation 043). 090 objects to the loss of property value, private views, loss of light and concerns over the access; the land should be used as a village green or sports field. 108 supports this allocation. 115 suggests more specific reference should be made to certain areas such as recreational use, medium density housing, 25% affordable housing, open space etc. At the Inquiry, the objector asked for as much open space as possible, including field 414546 and for development to be at a medium density.

4.106 In my view, the Department has covered many of these matters in the Development Brief. I do not agree that specified densities are the correct approach to designing a proper form of development on the land. But I do advocate as high a level of density as is commensurate with integration with existing housing in order to avoid even further allocations of housing land.

4.107 122 supports the principle of the Proposal, but objects to the reduction of residential areas and extent of the other uses; this should be an opportunity to provide a range of housing choices in Port Erin. The only other option is the land at Ballakilley and the allocations would only provide a 3 year supply of land. The objector has consistently sought a balance of uses on the land including housing, extension to the cemetery, a rugby pitch/training facilities, public open space and amenity land. The only explanation given by the Department for the reduction of the housing land to 9 acres is "to meet concerns at the level of housing on the site". Port Erin is the largest settlement in the South and a Service Centre; the Ballakilley land is the only opportunity to provide



a range of housing at a scale appropriate to the settlement. It is unprecedented to identify such a scale of open space through land use designations; a smaller area would satisfy relevant needs and objectives.

4.108 The Development Brief should not allocate land for a rugby pitch; it is noted the allocation has now been amended to a "sports pitch". Reference to "green gaps" should be deleted; the Department have given no thought at all to the subject and failed to consider the conclusions of the Inspector reporting upon the Strategic Plan in respect of "strategic gaps" and "green belt" areas. Strategic Plan policies already deal with this matter. Furthermore, 3.25 of the Plan is not consistent with Green Gap Proposal 1; it must also conform with the Strategic Plan. There is no explanation or logic in the amount of open space and recreational allocations proposed by the Department. The Department suggest there is a need to provide a balance between the need for housing and the objections made by local people.

4.109 Following consultations, the revised boundary for housing was set and the Development Brief revised. At the Inquiry, the Department accepted that no explanation or assessment had been carried out relating to the recreation/open space allocation and the area was based on the views of local people.

4.110 With reference to the objections raised under 122, I do not agree that those suggestions strike the right balance between new housing allocations, open space/recreational provision and what I consider to be a need to separate the Port Erin development areas from Ballafesson. My views on the Green Gap Proposals I give under Chapter 3 and the overall housing figures and allocations earlier in this Chapter. However, while I support the principle of designation for housing at Site 24, I suggest the allocation should extend further into field 414546, even if it is only as a reserve site for the future. This would not only provide more housing in this suitable location, but also make sure there is a more reliable boundary.

4.111 I do suggest the Department needs to give a fuller justification for the open space/playing field allocations and upon what basis they are made. I listened to numerous anecdotal reasons for the extent of those allocations from residents, but the only basis for the Department's proposals seemed to be to satisfy the views of local people. That is an insufficient reason in itself for the allocations.

4.112 135 asks that there should be no additional housing to that allocated and only medium to low density with a mix of types. Any development must soften the edge of the housing

area and there must be no additional extension to housing areas. The remainder of the site should be for other uses; nothing should affect the green belt. The open land reflects the only opportunity to provide further recreational areas needed by existing and future residents.

- 4.113 It was said that the extent of open space provision is justified in terms of adopted standards, separation of settlements and maintaining the character of towns and villages. Not only should fields 414532 and 414214 be so allocated, but also 414546. Recreation land would serve Port Erin and Port St Mary; such land is necessary for the health of residents, both young and old. Land is also needed for an extension to the cemetery. Representation 81 is reported under Chapter 8; that asks for a change in the boundary line for residential development.
- 4.114 In some ways I agree with the objectives of establishing a development boundary in this area. However, there can never be a guarantee of the position of the boundary of development or any other designation. It may be at detailed planning stage that there is a need to amend the boundary for various reasons. Furthermore, I do not accept that this site should be for low density housing as all allocated sites should be used to the best of their potential. If that is not done, and include higher density housing and affordable housing, then even more land may be needed to meet the needs of the population in the South of the Island.
- 4.115 It would be quite possible to soften the boundary of new development by the provision of a high quality layout and tree/shrub planting. Although it is usual within any planning application to provide open space provision commensurate with the number of dwellings to be built, the Area Plan process seeks to allocate land-uses. Accordingly, I see no reason in principle why such a large area should not be allocated as open space provided the Department give an adequate explanation for the areas so designated.
- 4.116 I do not support the extension of the uses already proposed by the inclusion of field 414546 as the existing allocations would be adequate for the location of sports pitches. I also suggest that this field could be used for further housing or an SR site. However, it is necessary for the Department to justify the allocation of the open space land within the text and show the need on the basis of existing and proposed housing areas. As I mention in Chapter 8, ownership or occupation of such facilities is not a land-use planning matter.
- 4.117 164 supports the limited scheme proposed at Ballakilley. 212 objects as the land adjoins existing properties and will

cause a loss in property value due to proximity of housing and the affordable homes element. Whilst I do understand the concerns of this objector in protecting his residential amenities, there is a need for additional housing in this locality and any new housing will change the character of the area. However, at detailed planning application stage there will be an opportunity to closely monitor the location and form of housing, as well as mitigation measures such as landscaping. 490 states that developers will want housing on both sides of the access road and a master plan is needed for land ownership. I realise there may be difficulties regarding the access and land ownership, but am satisfied the Development Brief will deal with such matters. 502 considers the Proposal an acceptable compromise.

4.118 Given the location of Site 24 on the edge of the built-up part of Port Erin, I support the principle of this designation. The Proposal does include a mix of uses, including residential and extension to the cemetery, as well as open space and recreation uses. In my opinion, these are sensible proposals and a well designed and landscaped scheme would soften the hard edge of existing development and integrate new and existing housing. Affordable housing is needed for local people and in accordance with Strategic Plan Policies. Furthermore, the land is in a sustainable location. As far as access is concerned, I can see little wrong with either alternative, but in view of the likely length of the access road, I suggest it would be necessary to landscape the road to soften its appearance.

4.119 I also suggest that section 3 of the Brief be amended to include a need for a mix of housing types and consideration given to extending housing into field 414546. Reference was made at the Inquiry to the possibility of a Fire Station, but as that matter is at a very early stage of planning, I do not recommend that reference need be made in the Plan. See also Chapter 8. Neither do I accept that reference should be made within the Development Brief to the use of the playing fields by Nomads Rugby Football Club for the reasons I have already given. PC63 should be re-assessed.

Site 25

4.120 See also Community Facility Proposal 3 in Chapter 8. I support this designation and PC65 in order to allow for future educational requirements and the needs of the community.

Site 26

4.121 165 states the site needs developing urgently; the Department comment that a developer is actively promoting the site.

4.122 202 seeks the demolition of the Registered Building as part of a redevelopment scheme; in view of the extant planning permission, affordable housing would only be above the existing permitted 56 units. Ask for amendment to Development Brief, sections 1 and 2; also to 4.65.2. The Department accepts the amendment relating to the affordable housing and suggest that the matters relating to the Registered Building be the subject of consultation. At the Inquiry, it was reported that agreement had been reached with the Department that demolition could take place, but the twin towers must be retained. It was also accepted that reference should be made within 4.65.3 to the extant planning permission.

4.123 Whilst I acknowledge the extant planning permission, it should still be the aim of the Area Plan to seek at least the 25% level of affordable housing as required by the Strategic Plan. Paragraph 4.8.3 states there is a continuing need for affordable homes and unless the Area Plan and the Department pursue that objective rigorously, the target will not be achieved to the significant detriment of persons needing that form of accommodation. Instead of the Department's PC66 and 67, I suggest that section 2 of the Development Brief be re-worded to state "Although there is an extant planning permission for development of the land, the Department will seek to include a level of 25% affordable homes within any new scheme in accordance with the requirements of Housing Policy 5 of the adopted Isle of Man Strategic Plan 2007".

4.124 As far as the Registered Building is concerned, I note the suggestions of the Department in requiring the retention of the twin towers. Accordingly, I agree with that part of the Development Brief that requires any new scheme to be the subject of consultations with the Department. I agree with the changes to paragraph 4.65.3 as a factual record.

#### Site 27

4.125 136 asks that the designation be changed to "churchyard" and there is a revision to the Development Brief. The Department accepts this suggestion; I concur.

#### Site 28

4.126 The Department suggest an additional site number following their response to an objector for one house at Derbyhaven. I disagree with the objector and the Department in this case and recommend that site 28 should not be adopted. See Appendix 5 – representation 181 for my full comments.

Site 29

- 4.127 The Department suggest PC70 relating to Playing Fields at Ronaldsway Business Park. I agree with this allocation. For my full comments see the following section – Omission Sites.

***Omission Sites***

A - Land at Ballabeg

- 4.128 Representation 000 seeks the designation of fields 1185 and 1118 at Ballabeg for Low Density Housing in Parkland (LDHP) use. The land adjoins Parville which is already designated LDHP and the vehicular access was said to be well located within the village; no further development could be provided due to the location of existing farm buildings. The development would not compromise the strategic planning principle of maintaining a natural break between Ballabeg and Colby. At the Inquiry, the objector accepted that it would not be possible to obtain the necessary vision splays within his ownership at the junction of the access lane with the main road. The Department are opposed to the proposal as it would be an extension of housing into the countryside and does not have an adequate vehicular access from the main road.

- 4.129 I give my views upon the principle of LDHP designations earlier in this Chapter; the Department should not suggest additional LDHP designations until the matter has been properly assessed as part of the Review of the Strategic Plan as it is a matter that affects the whole of the Island. The locations on Map 6 of these designations seem to me to illustrate the inconsistency of the Departments LDHP proposals, with such designations dotted around the countryside in isolated locations, but other large properties not so designated. A comprehensive investigation is necessary to assess the principle of continuing with such designations.

- 4.130 As far as this particular proposal is concerned, I am of the opinion that it would have an inadequate vehicular access and extend housing much too far into the countryside whether as an LDHP designation or not. That would be significantly harmful to the visual amenities of the locality and contrary to the principles of housing in countryside locations set out in this Area Plan and the Strategic Plan.

B - Site between Crossack Road and Mill Road, Ballasalla

- 4.131 Representation 005 asks for a site in Ballasalla to be designated for one dwelling; the land would have an area of

about 0.4 hectares and leave the existing property with some 0.3 hectares. It was said at the Inquiry that the land was originally zoned as residential in the Draft Plan of 2009 and continues to form a large open garden. Submitted documents show that one dwelling on the land would not result in the loss or damage to trees or the roots of trees. Any new dwelling could be designed to accord with the setting of the site in accordance with Strategic Policies and Area Plan Proposals. Visibility splays of 2.4x70 metres can be provided for an access onto Crossack Road; additional land has been obtained for an access and connection to foul drainage. A scheme would provide development within the village area for high net worth individual demand.

4.132 In response, the Department points out that the land contains Registered Trees and planning permission has been refused in the past. Such development would have a detrimental effect upon the openness of the area when taking account of new buildings, hardstanding, interruption of the roadside boundary and trees that would be close to a new dwelling. The site falls within the Silverdale Conservation Area. The former Department of Agriculture, Forestry and Fisheries stated when consulted on the Draft Plan that it was receiving increasing numbers of applications to remove trees that were said to be affecting nearby houses and the Department were finding it more difficult to resist the removal of such trees. In planning terms, it was said that a previous appeal was dismissed on the ground that there would be a loss of openness.

4.133 Having visited the area, I noted the contribution this land makes to the character and landscape of the vicinity which has already been mentioned by an Inspector as a reason for opposing development on the land. I understand the reasons the objector gives in favour of a dwelling in that the land is within the village and complies with various objectives of the Strategic Plan and Area Plan. But it is not always the case that reasonably located sites are acceptable for new housing. At the Inquiry, it was accepted by the objectors that any development would to some degree be able to be viewed, including the change to the road boundary to form a new access. To my mind that would cause severe detriment to the existing very open and pleasant landscape of land that is within a Conservation Area. Accordingly, I have concluded that the site is not appropriate for residential development and should remain as a woodland designation.

#### C - Land near Crossag Road, Ballasalla

4.134 Representation 006 asks for a site to the west of Crossag Road, Ballasalla to be included as a site for Proposed Low Density Housing in Parkland (LDHP). In response, the

Department state that the assessment of the land has been based upon the 1982 Development Plan designation and should remain as countryside. Having visited the site, I have concluded that given its location and the distribution of existing housing, this is not an appropriate location for such a designation. I give my views on LDHP designations earlier in this Chapter.

D - Rowany Drive, Port Erin

4.135 048 asks for a site at Rowany Drive, Port Erin to be zoned for two well designed dwellings. At the Inquiry, the objector stated that new development on the land would only amount to an "architectural challenge". The Department point out that historically this land has been designated as Open Space in the Local Plan. The land was intended to be a landscaped area under the terms of the planning permission given for the adjoining housing estate; condition 7 prohibited any additional development. The green wash over the golf course land should be extended over this land; the existing building could remain as part of the open space.

4.136 When I visited the site, I noted that a building already exists on the land and that it is located near to an existing housing area; at the Inquiry it was said that the building is used for "band practice". Clearly the land has not been landscaped and at present is overgrown and unkempt; it would appear that the Department would be unable after such a long time to require compliance with any planning condition for landscaping. It seems to me that there would be little harm in designating this land for a maximum of two suitably designed low level dwellings; the limited number is due to the location of the land adjoining the open golf course and there would be a need for a Development Brief to ensure the land is finally well screened and landscaped on the perimeters with the adjoining open land. I disagree with the Department's assessment that any development would harm the visual amenities of the area and suggest that further thought is given to this land for a maximum of two low level dwellings.

E - Land south of Ronaldsway Industrial Estate (site assessment No.17)

4.137 058 objects to the omission of a site south of Ronaldsway Industrial Estate. At the Inquiry, and among the various matters raised, it was said that the objectors had concerns at the evidence given by the Department's planning witness as it found no advantages in the current scheme, particularly in respect of new jobs. The scoring system used by the Department was flawed and after cross-examination, much of the evidence given became irrelevant, including reference to

Balthane Industrial Estate and the Freeport. There was clear evidence from quality witnesses produced by the objectors to argue against the case given by the Department. There was no evidence given relating to the recent Retail Study.

4.138 It was said that the objectors' land is surrounded on three sides by development; on two sides there are industrial sheds and a new terminal building. The Landscape Study regards the land as degraded. To accommodate the proposed development there would have to be changes to the Plan; the Proposals Map would have to be amended, a new Business Park Proposal and supporting text for offices and retail policies would need amending. As far as the Tynwald Resolution is concerned, that is 25 years old and much has changed; the Strategic Plan adopted in 2007 is more up-to-date and is in conflict with the Tynwald decision. In any case, planning permissions for retail contrary to the decision have been given since 1987. The objectors place reliance on many of the policies in the Strategic Plan and Strategic Objectives, including Strategic Policies 1, 2, 6, 9, and 10, Spatial Policy 2, General Policy 3, Business Policies 1, 7 and 14 and Transport Policy 1.

4.139 In Strategic Policy 2 there is the word "primarily"; it also allows development in sustainable urban extensions, which is what the objectors land would be. Indeed, it is an infill site. Therefore, there must be occasions when development is not capable of locating within an existing town. The Plan has also failed to provide a sequential test contrary to the advice in the Retail Study. The Plan does encourage development at Castletown, Ronaldsway and the Airport, as well as locations well served by public transport. Given these circumstances, it is difficult to imagine a better location for development. As far as planning permissions are concerned, numerous consents have been given for out-of-centre retailing since 1987 and since 2007. It is unreasonable to rely upon the Tynwald Resolution as the facts undermine that and the Strategic Plan.

4.140 In terms of the Retail Study, the Department's witness agreed that the Southern and Western areas of the Island have the greatest need for additional supermarket provision and should focus upon Castletown and Port Erin. Also, provision in the South should be enhanced and improved, the location should be part of the Plan process and there is a significant requirement for additional comparison floorspace, particularly in the South. There is also a need for a sequential approach for development that cannot be accommodated in the town centre; the Department's retail witness accepted that the proposed supermarket would meet the clearly identified need for convenience floorspace. The objectors' retail witness acts for Shoprite and knows their



turnover figures; it is correct to use those figures as they are the intended operator. The impact upon Castletown would be 10%, but which in any case is likely to have an increased turnover of 26%. There would be no significant impact upon the vitality and viability of existing centres.

4.141 The proposed Business Park would be of a high quality and such a use would not locate on a general industrial estate; the Department accept that Balthane Industrial Estate would not be an appropriate location. Neither is Freeport available or appropriate; development would need the approval of Tynwald. Ronaldsway Industrial Estate is not of a sufficiently high standard to be a Business Park; the various individual sites would be unsuitable. The proposed re-designation of the playing fields land would be unacceptable in locational terms; it is also questionable as to whether it would be for additional companies. There is a desperate need for additional Business Park land.

4.142 What is beyond dispute is that Shoprite need a new headquarters on the land. Manx Telecom support the scheme as do the Department of Economic Development (DED); companies have moved out of Castletown due to a lack of suitable modern premises. The objectors' experienced witnesses support the scheme and even the Department of Infrastructure accept there is a need. The DED have concerns at the lack of quality space for businesses and to attract corporate headquarters to the Island; they support the development of this land.

4.143 The building of 2229.6m<sup>2</sup> (24,000 sq ft) of office space and infrastructure would provide prospective occupiers with a choice of ready built office space up to 1114.8m<sup>2</sup> (12,000 sq ft), with access to the A5. There would be significant advantages in locating close to the Airport; viability is not an issue. It would be entirely appropriate to have a four star hotel with conference facilities as part of the Business Park; it would reduce travel. The position of the Green Gap is simple. Paragraph 3.25.2 makes it clear the Gap is between Castletown and the Airport; Map 3 also indicates that position. The objectors' land is not in that area.

4.144 Local residents' objections are seriously undermined because their witness is actually supporting development in the Green Gap elsewhere; he accepted that the objectors' land is not in the Green Gap. The only Landscape Architect to give evidence agreed with the findings of the Government's own Landscape Study in that the objectors' land is dominated by the Airport and infrastructure, the built-up areas of Castletown and Ballasalla, is adjoined by a busy A5 and large warehouses, with little sense of tranquillity. He also confirmed that existing residents would be unaffected in

terms of their key views; the advantages of advanced planting schemes were also accepted.

- 4.145 The proposed development would provide facilities and accommodation attractive to new businesses and industry, support the economy, maximise the key asset of the Airport, provide cross-funding from a supermarket and substantial private sector investment, as well as a retail facility that would address a key retail need. Also, it would be sustainable, highly accessible, use existing infrastructure and allow the release of the final phase of the Summerhill Business Park in Douglas. There would be no significantly adverse effects upon local residents or the landscape.
- 4.146 On behalf of the Department, it was said at the Inquiry, that Strategic Policy 2 requires new development to be primarily within existing towns and villages or in suitable urban extensions; the starting point is that the site proposal would be contrary to the Strategic Plan. In the Area Plan, Green Gap Proposal 3 identifies the land as a Green Gap where development must be assessed in terms of the impact on openness and separation; that is its primary function.
- 4.147 In February 1987, Tynwald resolved to oppose all future out-of-town retailing developments; that policy is contained in Strategic Policy 9, with Business Policy 10 specifically stating that retail development will only be permitted in established towns and village centres. The only exception is in Business Policy 5 which relates to “bulky goods” sales; the retail planning policy for the Isle of Man is clear and should be given full weight. Despite the suggestions made by the objectors, the policy has been applied consistently since the Tynwald Resolution. Indeed, if the current retail scheme were to be sanctioned, the Area Plan would be unlawful as it must be in conformity with the Strategic Plan.
- 4.148 As far as the Business Park/Employment land argument is concerned, the objectors do not question the quantitative supply of such land because in terms of take-up rates there is currently a 77 year supply. In terms of qualitative supply, provided land can be provided to meet the “Summerhill” standard, the same should be suitable for a new Business Park use. The proposed playing field land and the undeveloped part of the Freeport land are not challenged as being unviable and would meet the exacting requirements to enable a successful Business Park to be developed. The correspondence from the Department of Economic Development (DED) only supported the development of this site in the event that the playing field land was not designated as Business Park; that land has been so designated. The DED did not support a retail development on the land (letter dated 16 August 2011). The DED also

supported Proposals to designate the Freeport and Ronaldsway Industrial Estate as Business Parks.

- 4.149 In terms of sustainability, the public would be unlikely to walk to the new store for shopping due to the distance involved, footways being inadequate in width and the proximity of a highway that would create a very unpleasant environment for pedestrians. An argument was advanced that the retail element would be necessary to ensure the Business Park element was viable. Given the limited extent of the objectors' assertions, it is not surprising that the conclusions were that without the retail element, the scheme would not be viable. But the objectors and their witnesses fail to understand that consideration of an Area Plan relates to land use and not land user; the objectors' identity as owner and potential occupier is a complete and utter irrelevance.
- 4.150 The retail impact assessment from the objectors was quickly changed once they had read the Department's witnesses evidence; the objectors reduced the impact by reducing the size of the retail element and thereby reducing turnover figures and sales density. There is a considerable risk that actual impacts would be higher than the objectors' evidence with the potential to damage the vitality and viability of town centres in the South. In terms of benefits, construction jobs are a function of investment in the development itself. However, the Nicholson Group Headquarters staff would relocate from Douglas and if existing retail stores are affected, job losses or displacement may occur. Regarding the hotel proposal, there is already a hotel at Ronaldsway and an additional purpose built hotel and conference centre would conflict with policies of the Strategic Plan.
- 4.151 From my own observations and information gathered at the Inquiry, I noted the various evidence from the objectors, including highway matters, viability of Business Parks and retail development on site 17, the particular circumstances of the Nicholson Group and Shoprite, commercial property market matters and planning issues, including demand for retail and business park developments. It was said that the current proposal is now to use the land for mixed business and commercial developments that would include a retail outlet, hotel and offices, including the relocation of the Shoprite Group HQ from Douglas.
- 4.152 The objectors' original submission was for a retail supermarket of some 3251.5m<sup>2</sup> (35,000 sq ft), a total of some 7803.6m<sup>2</sup> (84,000 sq ft) of business/offices, car parking, landscaping, direct access to the A5 via a new roundabout with secondary access via the Ronaldsway Industrial Estate and provision of a bus stop within the

development. Pedestrian links would be available to Ballasalla, the Airport, Castletown residential areas and the steam railway. In evidence to the Inquiry, the objectors suggested that an indicative layout and size for the retail outlet would be 2499.9m<sup>2</sup> (26,910 sq ft) gross floor space of which about 75% would be convenience goods.

4.153 Starting with highway issues, the Department accepted that satisfactory vehicular access can be provided to the A5 via a new roundabout. However, it was good practice to combine new junctions where possible and that could take place by combining with the existing roundabout into the Ronaldsway Industrial Estate. That principle had been debated at the Inquiry in the case of site 3 at the Balthane Industrial Estate nearby. The objectors' witness accepted the point, but mentioned that third party land intervened and the design of the new roundabout had been accepted by the Department.

4.154 In sustainability terms, the objectors' witness accepted that for major shopping trips, residents would be likely to use their cars. However, there was a good bus service and that was accepted by the Department; existing footways would enable links to both Castletown and Ballasalla. The Department stated that it was unlikely that people would cycle along the busy A5 or walk to work at the site when using the retail outlet. There was disagreement between witnesses over the 2 kilometre walking distance to residential areas.

4.155 As far as the highway aspects of this case are concerned, I have walked the A5 to both Ballasalla and Castletown and have to say, I did not find the experience particularly pleasant given the traffic using the A5 and the existing and variable widths of the footways. I also question the likelihood of many people cycling along the highways. In my opinion, given the location of site 17, there must be serious concerns as to the sustainability of the retail outlet in transportation terms. I agree that bus services are good and it would be accessible by car, but there would be little likelihood of using other modes of transport.

4.156 I also question the objectors' claim that there would be linked trips with Castletown shopping areas. It is very questionable whether a family, having done their food shopping would then walk or even drive into Castletown to do any other form of shopping, particularly when the retail outlet may well sell the non-food items they require. Of course, some people working in any nearby offices or businesses may walk to the new retail outlet to do some shopping, but that is likely to be a small amount of business compared to the overall trading level.

- 4.157 As for the vehicular access, I accept that technically it would be possible to create a new roundabout. However, as with my comments in respect of site 3 at Balthane, there should be a restriction on new points of access along this part of the A5 in view of the proximity of the Airport and Ballasalla. I suggest that any vehicular access into site 17 should be via the Ronaldsway Industrial Estate and existing roundabout on the A5.
- 4.158 I now turn to the principle of development upon site 17. At the Inquiry, the objectors' witness suggested that Strategic Policy 9 was not applicable to the proposed development, but in any case there must be a balance with any other material consideration such as the leakage of retail trips from the South to Douglas, carefully considered. In this case, the benefits should outweigh the Strategic Plan policies. The witness did accept that the Strategic Plan policies and the Tynwald Resolution of 1987 did not permit exceptions, but mentioned that planning permissions had been given for retail uses outside of towns and villages elsewhere on the Island contrary to policy.
- 4.159 It seems to me that the objectors are seeking to ignore a basic tenet of both Government and planning policies regarding retail development on the Isle of Man. Starting with the Tynwald Resolution of 1987, tracing the same theme through into the adopted Strategic Plan policies and finally, in the advice to the Department of Infrastructure from the Department of Economic Development dated 16 August 2011, there is a clear message that retail development will only be permitted in established towns and village centres (Strategic Plan Business Policy 10). The exceptions quoted are not applicable to the objectors' proposal. Again, the listed Strategy Objectives of the Strategic Plan in respect of the economy at paragraph 3.4 (d) are very clear; they are "to maintain and enhance the vitality and viability of town centres by controlling the location and nature of new retail and commercial development".
- 4.160 I note the concerns of the objectors at the leakage of trade from the South to Douglas, but I do not agree that the answer is to build a large retail outlet between Castletown and Ballasalla. I have also taken account of the contents of the Retail Assessment referred to by the objectors. But in my view, the Department and the Government of the Isle of Man are correct in seeking to place such developments within towns and village centres. There is evidence of an improvement in the retail offer made within both Castletown and Port Erin. Tesco Express is said to be proposing to locate in the former and I suggest it is likely that both the Co-op and Shoprite may well up-grade their offer as well. Shoprite have already done that in Port Erin and I was very impressed

by the result when I visited that retail store. Having balanced the suggested advantages of a new retail outlet of the size proposed against the clear policy objectives, I have concluded that the objectors' proposals should not prevail.

4.161 The strength of the concern of the Government to protect town centres on the Island is clearly evident in the prescient Tynwald Resolution and the relevant policies of the Strategic Plan. Therefore, I hardly need to remind the Department of the unfortunate outcome of out-of-town shopping policies in England during the 1980s. Those planning policies have now been reversed, but the remaining legacy in many town centres is still devastating. I strongly urge the Department to resist the proposal for site 17 in respect of the retail element. If that advice is not accepted, I would point out that to change or amend Strategic Policies would need to await the review of that Plan as it is a matter that affects the whole of the Island.

4.162 I now turn to the question of the offices, hotel and other commercial uses proposed for the site. One of the witnesses for the objectors made it very clear that without the retail element, the remaining uses forming the business park would not be viable. On that basis, I suspect that the objectors would not be prepared to proceed with the current proposal. Nevertheless, I have assessed the remainder of the scheme.

4.163 The objectors' witness accepted that in quantitative terms and based on the Department's figures, there is an adequate supply of land to serve the South of the Island for these uses. However, it was said that in qualitative terms, the areas referred to by the Department would be quite inadequate to allow for a proper and high standard scheme to be developed. I have visited the sites mentioned at the Inquiry and agree that some locations do appear to be poor in appearance. However, I am satisfied that a substantial number are quite able to be re-developed or developed to form a high standard Business Park scheme.

4.164 I note the letter from the Department of Economic Development dated 2 June 2011 which makes it clear that the Playing Fields land (1A in CD25) should be used for "industrial purposes", but if that designation changes, consideration be given to the allocation of site 17 for "industrial purposes". That letter goes on to suggest that the land at Ronaldsway Industrial Estate and the Freeport would not address the issue of providing a high quality Business Park. However, the same letter seeks to designate the Ronaldsway Industrial Estate as a business park and "retain" the Freeport designation. Not only do I disagree with the conclusions of that letter, but I suggest the whole issue has not been thought through clearly by that Department. At the

Inquiry, the Department of Infrastructure witness stated that the Department of Economic Development was seeking to change the Freeport use.

- 4.165 Having visited the Playing Fields site (1A in CD25), I can see little wrong with the intention to create a high quality Business Park on that land. I really cannot agree with the evidence given that because it does not have an A5 frontage or a current master plan, that it would not be successful. It is large enough and adjoined by reasonable existing buildings to be developed to a high standard. I also disagree with the objectors that the sites within the existing Ronaldsway Industrial Estate mentioned by the Department are not capable of providing high standard buildings. If the Freeport becomes available, then a redevelopment scheme could transform the area into a high standard Business Park.
- 4.166 On the basis of my conclusions, I am satisfied that existing allocations would be able to produce adequate amounts of land to be able to provide the high standard of business park form of development intended in the Plan. I do have a concern as to whether the current owners of the Playing Field land do intend to release the site or to keep it for expansion of their own business. Should it be found later in the term of the Plan that inadequate land has been provided in qualitative terms, then based on the circumstances given in evidence, I accept that site 17 should be re-assessed, but only for Business Park use; it should not be for a retail outlet.
- 4.167 As far as the hotel use is concerned, I have received evidence within other representations that hotel accommodation is needed. However, I concur with the Department that such a use should be within Castletown if it is found there is a need to supplement the existing accommodation close to the Airport.
- 4.168 Finally, I turn to the question of Green Gap Proposal 3. From the evidence given by the objector's witness, it was clear that he had assessed the Gap as being between Castletown and the Airport; this was said to be based upon the last bullet point in 3.25.2 and the stippled markings on Map 5. Such an interpretation would have excluded site 17. Given the wording of the Proposal itself, I do not agree with that interpretation. The Proposal states "Between Castletown and the Airport/Ronaldsway Industrial Estate...". The witness did accept that such a description would extend the designation to the northern boundary of site 17.
- 4.169 Since the publication of the Plan, the Department have decided to amend Map 5 by removing the stippled markings because it was giving rise to some confusion. I agree with that amendment in Chapter 3 of this Report. As for 3.25.2, I

do agree that the wording of the bullet point could also lead to a misunderstanding. I have suggested it is amended to reflect the wording of the Proposal.

4.170 Having given very careful consideration to the objectors' views and proposals, as well as the often detailed representations, I recommend that site 17 should not be designated for the uses within the objectors' scheme. Only at a later stage in the Plan and if the land designated as Business Park has been found to be inadequate in qualitative terms, should site 17 be re-assessed for Business Park use, but not with a retail element. Paragraph 3.25.2 should be amended in the manner I have suggested. I also acknowledge the concerns of local people, but given my overall conclusions on this proposal and that if a re-assessment of the designation should take place, they would have the opportunity to make further representations, I have not pursued those matters further. Representations 214 and 223 support the Department's views upon this development proposal.

#### F - Land south of Ronaldsway Industrial Estate

4.171 200 gives support to the proposed development of land south of Ronaldsway Industrial Estate for Mixed Use (site 17). Such development would help employment, assist in replacing business lost to Douglas and would be located close to the most important Gateway into the Island. Retail floorspace would complement existing shops in Castletown, reduce the need to travel and there is a role for a new hotel. Although the objectors asked for, and were given time to make oral representations at the Inquiry, they informed me on the day that they did not intend to appear.

4.172 The Department are opposed to this development as there are still sites for employment uses which can be released and Business Policy 10 of the Strategic Plan directs that retail development is only in towns and villages; that policy was derived from a Tynwald resolution. There is no proven need for release of land for retail and such development would have an impact upon the town centres in the South of the Island. The Department noted that this objector is resisting retail use on Site 5 on the grounds that it would harm Castletown centre, but supports retail use on site 17, which is further away and with no potential for shoppers to walk to the town centre (see also the previous Omission Site). For my conclusions on site 17, see the previous report.

#### G - Land to the east of Sefton Express, Ronaldsway

4.173 Representation 217 asks for an area of land to the east of the Sefton Express Hotel to be allocated for Tourism to allow for



future expansion of the Hotel. The Department suggest that a Business Park use would be better and the circumstances be assessed at the time of any planning application. As there are no precise details as to the future wishes of the owners of the Hotel, I accept it would be better to wait for a planning application.

H - Part of field 421335, Ballabeg

4.174 072 suggests that in order to further the requirements of Ballabeg, an area of land should be allocated for 3 houses. The site received a high residential score and the Plan fails to achieve its housing objectives in Ballabeg. The proposed development would be low lying and fit into the landscape. The Department should not rely upon a draft Planning Policy Statement (PPS); the area is not open and has a different character to other uses, including belts of trees. As far as vehicular access is concerned, the Department should review its standards and allow flexibility.

4.175 The Department point out that this land is currently allocated in the Arbory and East Rushen Local Plan as Open Space and the Department's Landscape Character Assessment points to the openness of the area. At the Inquiry, it was accepted by the objector that this proposal would amount to an exception to policy and would extend development into the countryside. A vision splay of 2.4x90 metres in each direction would be needed.

4.176 Having visited the locality, I do not agree with the objector and am opposed to the designation of the land for housing because such development would intrude into the rural landscape. That would change the pleasant and mostly undeveloped character of the locality, with significant detriment to visual amenity. At the Inquiry, the Department witness stated there was no intention to review access standards; to my mind, the introduction of the vision splays required would also cause significant harm to the appearance of the locality.

I - Land at St Marks

4.177 073 suggests the Plan places too much importance upon the gaps between buildings at St Marks and that there should be infilling to give a greater sense of enclosure and provide sufficient housing for local needs. There would be nothing wrong with a sense of enclosure and a central space; that would be better than fossilisation masquerading as preservation or conservation. New development would satisfy local need. At the Inquiry session, it was said that the Plan gave no consideration to people or the community; in

future, the planning decisions would only be made by the conservation officer.

4.178 I disagree with the objector as, in my opinion, the gaps are part of the established character of the hamlet. Furthermore, St Marks is not only very rural, but it has few services and is in an unsustainable location. I support Residential Proposal 1 in allowing a very limited opportunity for a residential scheme and Residential Proposal 2 in opposing the closing of the gaps between buildings as that would harm the character of the locality. I note the comments about the conservation officer. However, as far as I am aware, the conservation officer is consulted upon new development schemes, but the final assessment is made by Development Control Officers.

J - Land adjoining Bradda West Road, Port Erin

4.179 113 asks for an area of land between Bradda West Road and the access road to Bradda Glen be zoned for first time buyer accommodation. At the Inquiry it was said that adequate vehicular access could be provided, including the demolition of a dwelling owned by the Commissioners; there is a need for this type of housing. Development would not impinge upon views from Bradda Head; the site assessment is flawed because there is a bus stop nearby. The Department's witness confirmed that it would not be possible to provide adequate visibility splays at this site. For the representations made by local residents – see 101, in Chapter 3.

4.180 Having visited this location, I do not agree with the objectors. From the evidence before me I have concluded that there would be an inadequate access causing a significant detriment to road safety. From my own observations at a site visit, there would be a significant effect upon the visual amenities of local people given the proximity of the land and the differing site levels. This situation would not be conducive to a proper form of development.

K - Land at Ballafesson

4.181 121 asks for Sites 68 and 95 of the Issues and Options document to be included for development at Ballafesson; it would be an opportunity to provide new housing and community facilities. Both sites are close to existing residential dwellings; vehicular access would be easy. Development upon the lower parts of the land would allow the other land to be used for community facilities. Although the locality has few facilities, existing housing is extensive; the settlement boundary should be re-drawn. The existing settlement of 190 dwellings is only intended to expand by 5 units up to 2015; that is insufficient to meet local needs.

Ballafesson is classified as a village. If the Strategic Reserve (SR) sites are not delivered before 2016, there will be a deficit of 94 dwellings. The sites are in a sustainable location adjacent to the village centre, highways, the A7 main bus route, a Primary School and accessible to Port Erin; there are no infrastructure constraints.

4.182 The Department suggested at the Inquiry that the number of dwellings required in the South of the Island would be exceeded by existing allocations, even without the SR sites; the latter provide for flexibility. In response to questions, the objector accepted that if the Department's allocations and SR sites proceeded at a rate of 79%, then there would be a surplus.

4.183 My comments regarding the Department's housing calculations are given earlier in this Chapter. As far as the objector's proposals are concerned, I did have the opportunity to visit the area and assess the situation. In terms of locality, I agree the land is close to existing development, particularly at Ballachurry Farm and the lower parts of field 414244. However, this would still amount to extending housing into the countryside contrary to the general objectives of the Area Plan and Strategic Plan. I am concerned that such additional development would extend the settlement excessively into the countryside where much of the land rises prominently; that would have a detrimental effect upon the character of the settlement.

#### L - Land at the junction of Glen Chass and Howe Road

4.184 169 asks for an allocation for two dwellings at the junction of Glen Chass and Howe Road. Having visited the site and assessed this suggestion, I cannot support such an allocation as the land is outside an existing settlement and in an unsustainable location. Such a scheme would be contrary to the Policies of the Strategic Plan.

#### M - Land west of Colby

4.185 179 suggests land to the west of the built-up areas of Colby meets all the criteria for a Strategic Reserve Site. The Department suggest the land is beyond the settlement limits of Colby and there are already adequate allocations. I have visited this locality and concur with the views of the Department. Should additional land be needed in Colby, there are more suitably located areas than this site.

#### N - Site at rear of Derbyhaven House

4.186 See reference to this allocation under Appendix 5 in Chapter 10 for representation 181.

O - Land at Ballafodda

4.187 187 states that the land at Ballafodda has historically contained a residence, including foundations and services; it should be an allocation for one dwelling. I concur with the Department's conclusions that due to its isolated location, such a development would be in an unsustainable area, contrary to Strategic Plan Policies. In the course of my site visit I noted an extremely large house being built some way south of this land. The new house appears to be listed in Appendix 4 as Ballamish, Ronague Road, Arbory and shown as Proposed LDHP. For my comments in respect of such forms of development and Appendix 4, see Chapter 4. It is unfortunate that planning permission has been given because it makes it more difficult to resist further designations of isolated houses in the countryside such as this objector's proposal. For the reasons I have given, I do not consider such development should be repeated by designating the objector's land for new housing.

P - Great Meadow, Castletown

4.188 199 asks for the land at Great Meadow, to be allocated for housing as there are no major constraints and it is within the town boundaries. At the Inquiry, documentation was submitted questioning the validity of the Department's Residential Land Availability Report. Guidance in PPS3 suggests the need to plan for 15 years from the approval of the Area Plan and therefore some 1300 dwellings are required. The general scale and provision of housing in the South is consistent with the requirements of the Structure Plan up to 2016. But there is an over-reliance upon one site in Ballasalla and a serious risk the provision up to 2016 could be affected. Even with the SR sites, there is a need to avoid undue reliance upon Ballasalla land and that is where SR2 is located. In terms of housing distribution, a large majority would be in villages with limited services and facilities. That situation could be resolved by additional allocations at Castletown.

4.189 As far as Castletown is concerned, almost all of the allocations are in Site 4; but the scale of housing allocated to Castletown is only 15% of capacity and that would fall to 8% if the SR sites are taken into account. Very limited development has taken place in the town in the last 30 years, but demand and house prices remain high. Sites 4, 6, 7 and 8 are supported and provided development constraints, flood risk and heritage issues can be overcome, Site 5 should be used for residential and not a Mixed Use.

4.190 For long term housing, the objectors support housing at Great Meadow. Whilst the objectors have not had a

Landscape Assessment carried out, the land is on a main approach road, would hardly be visible and would not affect the setting of Castletown. It would be necessary to omit land within the Airport Safety Zone, but that area could be playing fields etc and the development set within a landscaped area. At the Inquiry, the objectors accepted that up to about 300 dwellings could be built on the land, but there are no infrastructure constraints.

4.191 In their response, the Department suggest that there are already other, more suitable sites allocated, new development would affect the historic setting of the town and would not comply with the Landscape Strategy. Furthermore, the Airport Safety Zone separates the site from Castletown and development would not be seen as being sustainable. At the Inquiry, it was said that since the Urban Capacity Study was published, Site 5 has been estimated to accommodate 30 residential units. The Department also disagreed with the varying figures for new development in the town; in the last 11 years there have been 301 units permitted. To allocate another 300 units at Great Meadow would be a significant increase and detrimental to the landscape. It was also said that the objector's estimated figures for housing were wrong as some demolitions had been deleted. Representation 225 supported the Department's position.

4.192 I have visited this locality and understand the basis for the objector's suggestion for allocating this land for housing. I do not entirely agree with the Department's assessment that such development would have a detrimental effect upon the setting of the town or local landscape. In my opinion, such matters could be overcome by a high standard of layout, design and landscaping. However, the Department is quite correct that the land is affected by the Airport Safety Zone which is likely to prevent development on the areas near to the built-up parts of Castletown; that would effectively create a pocket of development to the north that would be separated from the urban parts of the town. In my opinion, that may well appear incongruous and out of place.

4.193 In their evidence at the Inquiry, the objectors accepted that the basic housing provision up to 2016 may be reasonable; it was said that there would be significant shortages in the longer term. However, the objectors also make the point that given Castletown is one of the two identified Service Centres in the South, the housing allocation is smaller when compared to Ballasalla; even one of the SR sites is at Ballasalla. That could be a risky strategy. I also have those concerns; in my opinion, there is a need to allocate further housing sites in Castletown to provide a more equitable spread of allocations. If that is not at Great Meadow, or part

of such an area, then other land in the locality should be investigated urgently in order to increase the residential allocations in the town.

Q - Land at Castletown (site 39 in the site assessment document)

4.194 203 objects to the lack of allocation of land at Castletown for housing; one area should be for low density housing and the other for a Strategic Reserve. The Department acknowledge that the land was originally allocated for housing under the Local Plan 1999, but following a dismissal of an appeal, the Draft Local Plan 2001 re-zoned it as open space.

4.195 As I mentioned in the previous paragraphs, I am concerned at providing a more equitable spread of residential allocations, rather than rely too much upon Ballasalla. In the case of this objector's land, the Department's opposition seems to have been based upon a previous appeal Inspector's Report. Prior to that decision, the land had an allocation for residential use in the 1991 Castletown Local Plan; it was then re-zoned to open space in the draft Plan 2001.

4.196 The Inspector's Report found there would be little harm to ecological interests and archaeological interests could be protected. There was no evidence of harm in terms of foul drainage; whilst there was some concern at the effects upon traffic in the town, highway issues were also not found to be an issue. But what the Inspector did find of concern was the effect upon visual amenity; but again, the Inspector suggested the type of development and landscaping could "safeguard" the appearance of new housing. Perhaps the most significant comment made by the Inspector was that any final decision should await the review of the Local Plan and whether in the final assessment it is found necessary to allocate the land for housing.

4.197 At the Inquiry, the Department accepted that in locational terms, the land was close to residential areas of the town. But in response to the objectors, the Department still found that development on the land would adversely affect the open character of this coastal area contrary to Landscape Strategies E10 and F8 of the Landscape Assessment. No comments had been received in highway terms.

4.198 I have walked this area to obtain views of the site from varying positions, including a distant view from Langness Point. I do accept that if development were to be permitted on the land, it would be seen even with landscaping, but I remain to be convinced that it would not be possible to devise some mitigation measures that would allow some development without causing the harm mentioned by the

Department. If development is found to be possible, I disagree with the objector that it should be for LDHP dwellings, with the second area as a Reserve Site. If the latter is for general housing, then so should the first site; as with other sites in the Plan, the best possible use should be made of allocated land, including a mix of house types and affordable homes.

4.199 If the Department do find it is possible to allocate this land for housing, they should impose stringent conditions within the Development Brief and any subsequent planning permission. Landscape Proposal 3 would also need amending. I suggest a further study be made of this land, together with an assessment of the Great Meadow land in order to find additional land for housing to serve Castletown.

R - Land north of Cronk Callyn, Colby

4.200 205 asks for land north of Colby to be included as an alternative or additional Reserve Site for housing as it is well located to existing development; the amended scheme proposes 3 bungalows. The Department is opposed to the latter suggestion on the basis of visual intrusion and access arrangements; it would be prominent and development would amount to a further extension of built development.

4.201 I have visited this locality and given careful consideration to the objector's suggestions. In general terms, this land is well located and perhaps with other land, could provide future expansion in Colby. But not for low density housing; the best possible use should be made of land. Elsewhere in this Report, I have given support to the principle of Strategic Reserve allocations to allow a degree of flexibility in housing allocations in the future. Given the location of the land adjoining existing housing and a site that is proposed for a housing allocation, it is my opinion that this land could be a useful addition for future housing; it would be possible to link the sites in terms of vehicular and pedestrian access.

4.202 I am aware of the limited services and facilities in Colby and that elsewhere in the Report I have opposed new development schemes on such grounds. However, given the intention to expand housing in Colby, it is possible that facilities may increase. Having said all of that, I am not convinced that this land is yet needed for housing. The Plan indicates allocated land and a Reserve Site in Colby which should be sufficient to cater for demand at the present time. Further, if Colby is to expand, it should do so gradually and over more than one Plan period. Whilst I have suggested the Department should release more land now and allocate additional SR sites, they should not all be in Colby or Ballasalla.

S - Land at Rosemont, Phildraw Road

4.203 209 seeks to extend the area for LDHP to incorporate land north of Rosemont to allow for 4-5 dwellings to be approved over and above that currently indicated. I have visited the locality and consider this land to be outside the settlement of Ballasalla, not easily accessible to public amenities, services or facilities and contrary to the principles of sustainability in the Strategic Plan. I give my views upon the designation of LDHP elsewhere in this Chapter. Even if the Department do not accept my views on that subject, to extend the designation to include the objector's land would be quite wrong for the reasons I have given.

T - Land north of Port Erin

4.204 429 asks for a field to the north of Port Erin to be included in the development area. I note that planning permission was refused in 2009; any planning permission given many years ago was before the current Strategic Plan Policies and development on the field would in my opinion constitute a development contrary to those policies. I have visited the locality and concur with the Department's opinions that this site is not suitably located to be included within the Plan.

U - Land at Eairy for housing

4.205 431 objects to the Plan as an area of land at Eairy has been left out of the Plan and inadequate consideration has been given for new development. The residential score given by the Department was inadequate; Eairy is a small settlement in its own right and the objector's family have lived in the area for generations. New development would be unobtrusive; a suitable vehicular access could be provided. At the Inquiry, the objector accepted that the site is not within a defined settlement and could not be said to be infilling. The Department state that the land should not be included as it is outside any settlement and spaces between existing dwellings should be retained; personal reasons are not sufficient to outweigh significant planning issues.

4.206 Having visited the locality, I concur with the Department's reasons for opposing this suggested development site. It is a fact that Eairy is a very small settlement with few facilities. To allow further development on this site would encourage additional housing in unsustainable locations.

V - Land at Eairy for industrial allocation

4.207 432 suggests that inadequate consideration was given to the development of the objector's land at Eairy. The Company's existing light industrial business needs space to expand; historically the area has various industrial activities. The



Plan records the need for small scale light industrial activity outside of major centres of population. In later correspondence, the objector stated that to achieve high sustainability any development could have passive heating standards. The size of the site, location and position make it ideal for various forms of renewable energy. The Department suggests the site is outside any identified settlement and the area remains largely open countryside; the land is not considered to be industrial beyond the existing limits set by the planning permission. The benefits regarding employment should not outweigh the disadvantages of development within the countryside.

4.208 Having visited the locality, considered the information provided by the Department and listened carefully to the evidence given at the Inquiry, it is my conclusion that this land is too remote with poor highway access to be included within the Plan for such development. I accept there are other commercial and industrial activities in the locality, but it is my opinion that there should be no further significant extensions of such activities in such a remote location with poor highway access. It may be possible the Department would accept a small extension to the existing buildings to allow some expansion of this business, but that would have to be considered in the usual manner with a planning application and subsequent assessment. I do not consider the information regarding deliveries or various forms of renewable energy adequately mitigates the significant harm that I consider would be caused to the countryside by the current proposal.

W - Land at Rhenwyllan Fields, Port St Mary

4.209 433 objects as land at Port St Mary is not included within the Plan for development. The objector submitted a request for consideration of a smaller site with the prospect of the remainder of the land being used in the future. An alternative would be not to use that remaining land for housing. There is an unmet local need for housing and existing contours, landscaping, with only bungalows being built, would mitigate views of the new development. Services and infrastructure already exist; the site assessment score was wrong. The only available development site is the Bay Queen Hotel and that is intended for flats. At the Inquiry, the objector accepted that the land is open headland.

4.210 The Department do not accept that the site should be regarded as infilling; new development would have an adverse impact on the character and landscape of the area. I have visited this locality and concur with the Department's reasons for excluding this site. This is a prominent headland

and it is likely that any new development would also appear prominent despite the use of contours, landscaping and a low level form of housing. In visual terms, it is likely that new development would appear out of place on the higher land.

X - Land at Rhenwyllan Fields, Port St Mary (sites 55/56)

4.211 447 asks for an additional Landscape Proposal to protect sites 55/56 from development. I am satisfied there are already sufficient Proposals and designations to protect such areas. See my conclusions upon the land in question under the previous paragraph.

Y - Land at Ballabeg

4.212 437 objects to the removal of recreational zoning on site 44 at Ballabeg; the Department suggest PC(M)9 to re-instate the zoning in the Local Plan of "Proposed Park". I agree with the amendment.

Z - Field 432105 at Phildraw Road

4.213 444 suggests that an area of land at Phildraw Road should be included as LDHP. The site is in private ownership and it is considered this land, and the entire length of Phildraw Road should be designated LDHP. It is the wish of Tynwald to encourage high net worth individuals to the Isle of Man and the proposals and designations in the Area Plan would conflict with those objectives. The Department's Residential Statement appears to show a shortfall of housing and proposals should be flexible. The Phildraw Study is factually incorrect, lacks any coherency or consistency; the conclusions and designations are subjective and arbitrary. The Study omits the history of the site which includes a planning permission for one dwelling. The land is surrounded by existing dwellings and well screened.

4.214 The Department make the point that they have carried out a thorough survey of land along Phildraw Road and this land was not considered appropriate for inclusion. I give my views upon the LDHP designation elsewhere in this Chapter. As I make clear elsewhere in this Report, I am not satisfied with the Study carried out on behalf of the Department or the conclusions as to the areas to be newly designated as LDHP. Further work is needed upon these matters, as well as the issue of accommodation for high net worth individuals; but that should be as part of the Review of the Strategic Plan as it is an Island wide issue. In addition to objectors asking for their land to be designated LDHP, I have received objections from the public asking why wealthy individuals should achieve an advantage or exception to planning policies that would apply to any other person on the Island. Given all of

these circumstances, I do not agree that this land should be designated as LDHP within the Area Plan.

Z1 - Land at The Howe

4.215 445 suggests the land at The Howe was wrongly considered as being outside the settlement boundary of Glen Chass. The Department state that the land does not form part of any existing settlement and would be in an unsustainable location for additional housing. Having visited the locality, I concur with the Department's views. The location would encourage further development in an area that has no reasonable level of services or facilities and residents would be encouraged to use cars to reach Port St Mary.

Z2 - Land at Ballafesson

4.216 449 asks for land to the north-east of Two Ways, Ballafesson to be designated for residential use. I have visited this locality and concluded that the allocation of even one dwelling would be an unwarranted and significantly harmful intrusion of housing into a countryside location. Whilst there is a scattering of housing locally, the objector's land is outside the existing settlement of Ballafesson and there is no justification for setting aside the countryside policies of the Strategic Plan.

Z3 - Land south of Castletown Football Club

4.217 500 asks for land to the south of the Castletown Football Club grounds to be included in the Plan for residential development. I have visited this land and noted the existing and proposed residential development adjoining the site; the clubhouse and main stand for the football club are to the north. I also noted the extensive tree cover on the objector's land and that it provides a substantial and important part of the character of the area. Furthermore, the existing residential curtilage of Gardenfield has had its permitted development rights withdrawn; this will enable the Department to retain the open and undeveloped character of that land. Therefore, it seems to me that although the objector's land is adjoined by existing and proposed residential development, its character is one that requires the retention of the tree belt rather than to permit further housing. It also seemed to me that the vehicular access is poor. In such circumstances, I am opposed to the inclusion of this land within a designation for residential development.

Z4 - Chadwicks Yard, Stoney Mountain Road

4.218 508 asks for land at Chadwicks Yard, Stoney Mountain Road to be included for industrial use. I have visited this area and read the background information relating to the land; as the

Department correctly point out, there is a long and complex history involved. Clearly, the owners of the land have the right to continue operating their business within the bounds of existing planning permissions and established uses.

4.219 However, having read the Inspector's Report upon an appeal dated 17 March 2011, I agree with the Inspector's views regarding the need to promote the important objectives of protecting the countryside from unnecessary development and that any new development is well related to existing settlements. In my opinion, the designation of this land for industrial use would not achieve those objectives. Indeed, I suggest the Department should be very careful of permitting any further enlargement or consolidation of development on this site.

### **Recommendations**

- That PC 37, 38, 41, 42, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 59, 60, 61, 62, 65 and 70 be adopted.
- That PC 43, 44, 45, 39, 40, 58, 63, 64, 66, 67 and 110 be reviewed in the light of my comments.
- That PC 57, 68, 69 and 155 be not adopted.
- That Proposal Sites 1, 6, 8, 10 and 23 be adopted.
- That Proposal Sites 2, 3, 4, 5, 7, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, and 29 be reviewed in the light of my comments.
- That Proposal Site 28 be not adopted.
- That paragraphs 5.22 and 8.4.8 of the Strategic Plan be reassessed at the time of the Review of the Strategic Plan.
- That paragraph 4.3.5 of the Area Plan be reviewed in the light of my comments.
- That paragraph 5.2 of CD28 be reviewed with the intention of inclusion within the Area Plan.
- That the Department adopt a more flexible approach to housing allocations and that Strategic Reserve Site 2 be released now subject to urgent work to be carried out to ensure a quick design progress for a new By-Pass for Ballasalla, a Master Plan and a method for developer financial contributions to complete the By-Pass. Also, that a Legal Agreement be required with developers relating to such contributions and completion arrangements for the By-Pass.

- That the principle of Strategic Reserve sites be adopted and additional land allocated, as well as an explanation of the role of Strategic Reserve Sites beyond the Plan period in response to representation 130.
- That there be a specified date for the annual publication of housing completion figures included within the Area Plan.
- That the Department review their allocations in the Castletown area with the intention of providing a more equitable spread of housing allocations.
- That the numbers of affordable housing allocations be reviewed to achieve a higher number when assessing planning allocations.
- That a reassessment of the 25% level for affordable housing be considered at the Review of the Strategic Plan.
- That the Area Plan retain the existing list of LDHP sites, but not to extend them until there has been a reassessment of this matter at the Review of the Strategic Plan.
- That the Department include within the text of the Plan a commitment to the enforcement of both the requirements of the Area Plan and planning conditions relating to subsequent planning permissions.
- That paragraph 4.23.2 be amended in the light of my comments.
- That urgent discussions are carried out with other Departments to establish the location of the new school at Ballasalla.
- That Site 5 be reviewed in the light of my comments and urgent discussions held with the Drainage Authority and Highway Division in order to conclude the form, design and uses for the land.
- That Omission Sites A, B, C, E, F, G, H, I, J, K, L, M, N, O, U, R, S, T, V, W, X, Z, Z1, Z2, Z3 and Z4 be not adopted.
- That Omission Sites D and Y be adopted.
- That Omission Sites P and Q be reassessed in the light of my comments about a more equitable spread of housing allocations in the Castletown area.

**CHAPTER 5 – THE ENVIRONMENT (amended to THE NATURAL ENVIRONMENT, THE BUILT ENVIRONMENT AND OUR CULTURAL AND HISTORIC HERITAGE)**

**Objections:** 035, 052, 106, 107, 110, 133, 180, 186, 479.

**Comment:** 001, 032, 035, 092, 094, 095, 097, 099, 111, 119, 133, 155, 156, 159, 180, 232, 244, 245, 246, 248, 249, 276, 278, 279, 280, 281, 282, 283, 332, 333, 334, 335, 336, 338, 339, 340, 341, 342, 345, 348, 424, 425, 480, 494, 495, 496.

**Support:** 035, 050, 155, 157, 158, 159, 232, 247, 337, 357, 358, 400, 399, 457, 459, 516, 517.

**Proposed Changes:** PC 71-101.

*The Natural Environment*

Paragraph 5.1

- 5.01 156 has concerns over the countryside polices mentioned. I would point out that the quotation is from the Strategic Plan and that has been adopted by Tynwald.

Paragraphs 5.2-5.10

- 5.02 245 suggests no reference has been made to geological sites or wildlife Proposals. 246 says the Plan needs stronger recognition of the need for rural diversification to benefit the local economy; farms could accommodate camping and caravanning sites. In my opinion, the Strategic Plan already deals adequately with these matters. 276 points out that there is still no mention of rivers, streams, wildlife and nature conservation; the Department suggest PC82 to deal with the matter. The new paragraph would involve re-numbering subsequent paragraphs. 280 states there is a role for Areas of Ecological Interest and Wildlife Sites in the Plan. The Department point out that the Constraints Maps contain the former.
- 5.03 281 says there is no statement regarding the funding of Wildlife Sites. The Department suggest PC76. 282 asks for a capital "I" to be used for Important Bird Sites in 5.8.1. PC81 would rectify the omission. 337 supports 5.6.1. 157 supports the objectives. 032 suggests Langness is incorrectly referred to as a "tombolo". The Department have accepted the need to check this matter and amend the paragraph as necessary. 244 asks for reference to cultural heritage of the Island as a visitor attraction and topography.

I am satisfied that 5.1.2 and 6.23 deal with these matters adequately.

- 5.04 094 asks for Areas of Ecological Interest be more clearly defined. The Department state that both Areas of Ecological Interest and Wildlife Sites are afforded the same level of protection. In my opinion, 5.5.3 adequately explains the position. 110 points out that the area shown on the Map dissects the property of Stoneycroft and should be amended. The Department state that the map is based upon the information supplied by another Department. It seems to me that the information contained on the Maps and in the Written Statement should be as accurate as possible and other Departments should be asked to provide such information.
- 5.05 278 states that various designations have not been shown on the Proposals Map. I agree with such a change, but would say that there is a limit to how many designations are included as the Maps may become unintelligible. 332 asks for amendments to the text to 5.3.1. I agree with PC71 which would add "flora" to that sentence, but the requested changes to the last sentence would add too much unnecessary detail. 333 suggests amendments to the text in 5.3.4(iii) and 338 asks for a similar change to 5.7. I agree with PC72 and 79 which would add "Manx" and define that on the Constraints Map. 334 asks for additional sites to be mentioned in 5.4.1 such as ASSIs. The Department suggests PC73 to deal with this matter.
- 5.06 339 asks for revised wording in 5.7.1 with which I agree. PC80 would deal with that matter. 155 supports the objectives in 5.5. 335 asks for clarification relating to Areas of Ecological Interest. I support PC75 to deal with this matter. 336 asks for a typographical error to be corrected in 5.5.5. PC77 will deal with this matter.
- 5.07 040 seeks to emphasise wildlife importance in graveyards, but 180 suggests that to leave churchyards for wildlife interests can make it difficult to view monuments and causes damage. The Department suggest PC78 with which I agree. 158 supports the objectives in 5.10. But 340 asks for an additional paragraph to mention the retention and re-use of buildings. I agree with the Department that a change in accordance with PC85 to the last sentence of 5.9.3 would be proper.
- 5.08 341 suggests an addition to 5.10-5.10.6 to relate to hedges or sod banks. I agree and PC86 deals with the matter. 479 states that recent events have demonstrated that planners have no concerns for retaining trees. It is regrettable if a specific event has created such an impression. Various

Proposals and Development Briefs in the Plan do require tree retention and surveys prior to any development taking place. I have also suggested in Chapter 4 that the Department make a commitment in the Plan to enforce such matters. 494 suggests that the text in paragraph 5.10.1-5 is at odds with Planning Circular 8/89. I do not agree with this comment and am satisfied the wording is clear. The Department also suggest PC74 to clarify 5.5.2, PC83 relating to paragraph 5.9 and a typographical error change to 5.9.2 under PC84.

### Flood Risk

#### Paragraph 5.11

- 5.09 052 points out those areas subject to flooding have been removed from the Modified Draft Plan; they are not likely to match the areas shown on the Department's floodwatch. Asks for Proposals Maps to indicate areas liable to flood and the policy for determining planning applications clearly state that permission will only be given if flood protection measures exist; Development Briefs should include such factors.
- 5.10 I acknowledge the points made by this objector, but the Development Briefs do require adequate flood prevention measures to be included in any relevant development scheme. The Department are also in the course of producing a Planning Policy Statement on flooding issues. In my view, the Proposals Maps are clearer without the flooding information; those details are able to be obtained via the floodwatch information.
- 5.11 424 seeks greater clarification of flood risk within paragraphs 5.13.1 and 2. I suggest a better place for such clarification would be within an adopted Planning Policy Statement which the Department say is to be published shortly.

#### Environment Proposal 1

- 5.12 283 states that an EIP should address the protection of rare and protected plants at Louisa Mine Site. PC87 addresses this issue. 342 – see later in this Chapter under Cultural and Historic Environment.

#### Environment Proposal 2

- 5.13 357, 399 and 457 support the Proposal.

#### Paragraph 5.13

- 5.14 Representation 516 supports paragraph 5.13.1.



## The Built Environment

### Registered Buildings

- 5.15 For my comments relating to the process for Registration of Buildings, see the following Conservation Area section. The Department suggest a new heading for paragraph 5.15 under PC88 to clarify this part of the Plan.

### Conservation Areas

- 5.16 A number of representations make suggestions regarding the designation of further or amended Conservation Areas; this also occurred in respect of Registered Buildings. I do understand the confusion of those making such representations given the way the Plan has been prepared and presented. But neither additional nor amended Conservation Areas or Registered Buildings form part of the remit for the Area Plan or my Report. Paragraphs 5.15.1 to 5.16.3 are intended to inform rather than become Proposals under the Plan.

- 5.17 The Department have made clear in CD26, that the designation or change to Conservation Areas is determined under a different process in accordance with Section 18 of the Town and Country Planning Act 1999. However, in my opinion, the paragraphs in the Plan I have referred to are insufficient to explain the position and should be amended to clearly explain the process. A similar situation applies to Registered Buildings. I also note an additional statement by the conservation officer in Core Document 26, where comment is made that insufficient historic significance has been found in Derbyhaven, Earystone and Surby to warrant Conservation Area status. The Department intends to complete the delineation of boundaries of Ballabeg, Cregneash, Port Erin, Port St Mary and the extension to Silverdale; a programme of further consultations under Section 18 of the Act will then be carried out with a view to future designation. The Department suggest PC89, 90 and 92 to clarify the position. As a consequence of those changes, PC91 and 93 change the paragraph numbering; PC94 changes 5.16 to 5.18.

- 5.18 345 asks for an explanation of the processes. 095 accepts the position regarding Conservation Areas, but suggests there is a need for a designation to control materials used and roadside features; also requests a paragraph recognising the uniqueness of Earystane village. I do not agree that such a control is proper or necessary. If a site is within a Conservation Area then there is already a requirement to assess the type of materials to be used on developments or the effect upon various features.

- 5.19 099 suggests that insufficient attention has been given to the criterion in 8.11.1 of the Strategic Plan; a revised Environment Proposal 3 is requested. The Department suggest that such a change goes beyond what the Area Plan is trying to achieve and such amendments should await the Review of the Strategic Plan. I concur with that assessment as it is likely to be an Island-wide issue. 106 suggests it is undemocratic to designate Conservation Areas within an Area Plan. I have already reported that this process is not part of the Area Plan.
- 5.20 107 questions Cregneash being a possible candidate for designation and 111 asks for additional buildings to be added to the list of Registered Buildings; the same response applies. 186 states that 5.17 does not take account of the fact that development did not cease in Cregneash in 1910. The village should be allowed to evolve and Manx National Heritage must not try to manage properties that do not belong to them. Whilst I understand the objector's concerns, the text under 5.17 is factually correct.
- 5.21 133 states that reference should be made in each Proposal which involves the need to alter or demolish traditional buildings; also a need to assess the architectural quality or historic significance of those buildings. Whilst I note the concerns of this representation, I am satisfied that adequate policies exist in the Strategic Plan to protect such buildings. 247 supports the need to conserve the character of Cregneash. 400 and 459 support paragraph 5.16.3. Representation 480 suggests the whole length of the Silverburn River should be a Conservation Area. As I have already made clear, this is not a matter within the remit of the Area Plan. 495 also seeks additional Conservation Area at Earystone.
- 5.22 Representation 517 supports paragraph 5.16.3 and 92 refers to Landscape Proposal 10 and the Meayall Peninsula/Calf of Man. The Department suggest PC95 in respect of the latter representation. This change points to the restriction of permitted development rights in these sensitive areas.

#### Cultural and Historic Environment

- 5.23 159 supports the objectives, but mentions other buildings worthy of preservation. 097, 496, 342 and 346 seek various changes to paragraphs 5.20-5.20.3 and Environment Proposal 3 to reflect wartime, mining, quarrying and other structures. The Department has suggested PC96, 97, 98 and 99 to reflect these matters. I concur with the Department's changes. 232 suggests that standing stones are important Island features. I acknowledge that issue, but Environment Policy 40 of the Strategic Plan deals with this matter. 233

asks for all railway building stock to be retained and restored. I acknowledge the intentions of the representation and the text does indicate other buildings of interest, but restoration as such is not within the remit of the Area Plan.

- 5.24 248 suggests that while there is a need to preserve ancient and historic monuments that should be balanced against the requirements of Minerals Policy 1 of the Strategic Plan. In my opinion, the preservation of historic monuments is very important, but I am satisfied it is possible to make an assessment against the objectives of the Strategic Plan policies.

### Environment Proposal 3

- 5.25 119 suggests this Proposal adds nothing to the Strategic Plan Policy 5 and Transport Policy 3. The Department suggests under PC100, the removal of the text in paragraph 5.20.3 and Environment Proposal 3 as they are unnecessary. I agree. 249 asks for an additional Proposal highlighting importance of views of heritage/cultural sites. 347 supports the Proposal. 358 supports the Proposal. 425 states that many archaeological sites are unexplored or not recorded. The Department are developing an archaeological alert system to ensure accurate assumptions are made. I do not consider additional policies would be justified given existing controls. In response to representation 348, the Department suggest PC101 relating to records of archaeological matters.

### **Recommendations**

- That PC 71-101 be adopted.
- That the Department investigates representation 110 with the intention of rectifying the matter.
- That the Department re-assess their position with regard to representation 278.
- That in response to representation 424, clarification of flood risks be included within the new Planning Policy Statement.

**CHAPTER 6 – EMPLOYMENT (INCLUDING RETAIL AND INDUSTRY) AND TOURISM**

**Objections:** 037, 038, 054, 058, 060, 188, 201, 217, 255, 259, 448.

**Comment:** 012, 027, 067, 068, 077, 080, 098, 131, 188, 222, 226, 235, 258, 261, 262, 343, 354, 355, 359, 361, 362, 401, 402, 417, 426, 427, 428, 497, 498, 503, 518, 519.

**Support:** 022-025, 026, 027, 029, 068, 080, 214, 222, 226, 250, 251, 252, 253, 254, 256, 257, 260, 263, 264, 265, 344, 349, 350, 351, 352, 353, 356, 360, 363, 364, 401, 402, 417, 420, 460, 461, 518, 519.

**Proposed Changes:** PC 102-122

General

- 6.01 For comments relating to representation 058, see Chapter 4 – Omission Sites. For 214 – see Chapter 3 – Green Belt Proposals.

Paragraph 6.1

- 6.02 250 supports the text.

Mixed Use Proposals

Paragraphs 6.5-6.7

- 6.03 054 asks for a clear definition of Mixed Use and that they should be confined to towns and village centres where there is a mix of uses; that situation should be differentiated from individual sites where a mix of uses is sought. Sections 6.5 and 6.7 should be amalgamated; Sites 5, 22 and 23 should be reviewed. The Department agree with some of the objector's points and suggest that paragraphs 6.5.1 and 2 are deleted; the Offices Section be inserted at paragraph 6.5 (6.5.1-6.5.6) under PC 102 and 103. There would be a change in the text at re-numbered 6.5.4 under PC104 and in response to representation 054, a new section (6.6.1-6.6.5) relating to Mixed Use Schemes under PC105.

- 6.04 In later correspondence the objector confirmed that support was given to the Department's Proposed Changes. However, the basic objection to site 5 remained. I can see merit in the Department's Proposed Change to paragraph 6.6 and the Proposals in response to this objection. However, I have suggested the wording in individual Proposals should have greater flexibility and a review of the

Departments Proposed Changes should be made to ensure consistency. My comments regarding the text and Mixed Use Proposals are based on the original paragraph numbers of the Modified Draft Plan. I concur with the amalgamation of Paragraphs 6.5 and 6.7 and a new 6.6.

- 6.05 068 and 080 ask for the widening of zonal distinctions, as that would increase economic regeneration and make towns and villages more exciting and livelier. In my opinion, the current Mixed Use Proposals would provide more certainty, whilst allowing flexibility that should encourage the approach suggested in these representations.
- 6.06 077 suggests the office space figures are distorted and there is a shortage of small to medium sized offices in Castletown. The Department point out that paragraph 6.6 refers to existing office space rather than future needs. In my opinion, Mixed Use Proposals should produce the type of office accommodation mentioned. 251 supports the designation of Ronaldsway Industrial Estate as a Business Park.
- 6.07 426 suggests that a reassessment of active businesses in Port St Mary is needed. The Department make the point that it is not the purpose of the Area Plan to list active business, only to highlight areas of Mixed Uses as land-use designations. I am satisfied the Plan makes proper provision and acknowledgement of businesses. 427 suggests Mixed Use areas should be extended. The Department make the point that apart from the Bay Queen Hotel, the sites mentioned are within the areas designated for Mixed Use. The Department also supports the use of the Hotel for residential purposes. Again, I am satisfied the Plan adequately covers the points mentioned.
- 6.08 503 states that the Plan should allocate land for large office development in Port Erin or Port St Mary to increase employment. Whilst I acknowledge the intentions of the representation, there are already Mixed Use allocations that could accommodate such uses.

#### Mixed Use Proposal 1

- 6.09 022 and 349 support this Proposal.
- 6.10 In my opinion, it is necessary to maintain the vitality and viability of the Mixed Use areas in Port Erin, Castletown and Ballasalla and the Department should try wherever possible to at least retain retail units on the ground floor of properties. That is a principle that I support. However, there is always likely to be some exceptions that will occur. I suggest that the words "although each case will be

determined upon its circumstances and merits” be added at the end of the sentence to cover such eventualities.

#### Mixed Use Proposal 2

- 6.11 252 and 350 support this Proposal. I support the principle of this Proposal in the interests of the vitality and viability of Port St Mary. However, in order to provide some flexibility, as well as clarification, I suggest the omission of the words in parenthesis and “Residential Uses will not normally be accepted, subject to the circumstances and merits of such a use”.

#### Mixed Use Proposal 3

- 6.12 253 states that this Proposal excludes residential uses; diversification should be encouraged, but conversion of visitor accommodation to residential has had an effect on the character of area. I support this Proposal as it would help to encourage and diversify uses in the Lower Promenade area. But, I do not agree with the representation as the Proposal should be flexible in the manner I am suggesting for Mixed Use Proposal 2. 351 supports the Proposal.

#### Mixed Use Proposal 4

- 6.13 023 and 352 support the Proposal. Again, I support the principle, but suggest the wording is too inflexible regarding residential occupation. I suggest that the words “as long as this ..... existing residential units” be omitted and replaced by “although there will be a presumption in favour of the retention of existing residential uses subject to the circumstances and merits of alternative uses”. Paragraph 6.7.2 would need to be amended on similar lines.

#### Mixed Use Proposal 5

- 6.14 024 and 353 support the Proposal.
- 6.15 On similar lines to the previous Mixed Use Proposals, I support the principle, but suggest the wording to be too inflexible. Suggest omitting the words “... provided .....area” and replacement with “although there will be a presumption in favour of retaining retail units subject to the circumstances and merits of any alternative scheme and provided it does not cause significant harm to the character and appearance of the area”.

#### Mixed Use Proposal 6

- 6.16 025 supports this Proposal. 354 asks for a rewording of the Proposal. I am satisfied the wording is adequate to cover

this situation and I support this Proposal in the interests of residential amenity.

### Employment Proposals

#### General

6.17 The Department suggest re-numbering paragraphs 6.7/8 and other paragraphs in this Chapter under PC106. Existing paragraphs 6.8.4/5 are re-worded under PC107 and 108. 254 supports improvements to the Balthane estate. 255 and 505 wish to see industrial designation of playing fields at Ronaldsway. The Department suggest PC111 in response. I agree with this approach as it provides an opportunity for future expansion if required. But I suggest a review of (b) in the Development Brief if adequate Business Park land is to be provided for the future. PC112-114 indicate appropriate changes to the Proposals Maps. 355 suggests the Plan should identify archaeological evaluation; the Department suggest PC110 to deal with this comment. 217 asked for land to the east of the Sefton Express Hotel to be allocated for Tourism. The Department disagree and prefer the land to remain as part of the Business Park allocation. I agree with the Department's suggestion as that would allow a variety of uses.

#### Employment Proposal 1

6.18 222 supports this Proposal. 343 suggests small scale light industrial term may become too restrictive. The Department suggest PC109 to deal with this matter.

#### Employment Proposal 2

6.19 256 and 344 support the Proposal. For response to 012, 067, 82, 138, 167, 168, 172, 173, 174, 176, 177, 178, 213, 218 and 507 - see Site 3 in Chapter 4. The Department suggest PC110, but I advise a review in the light of my comments in Chapter 4. See Map 4 for PC112, 113 and 114.

#### Employment Proposal 3

6.20 Please see Chapter 4 for any comments in respect of this land.

#### Employment Recommendation 1

6.21 226 asks for an addition to be made to require improvements to the estate; in later correspondence the objector supports the Department's position. 235 also asks for improvements. In my view, the existing wording of the

Recommendation already deals with this matter; such issues are likely to be within the remit of other Departments and the Department of Infrastructure can only seek to collaborate on the issue. However, I strongly urge other Departments cooperate on the Recommendation particularly in respect of an acceptable vehicular access to the Balthane Industrial Estate. 356 supports this Recommendation.

#### Employment Proposal 4

- 6.22 131 suggests more recognition that new tourist accommodation need not only be in re-vamped old buildings; seeks allocation of a property that can accommodate ecologically sustainable tourist accommodation. Having visited the locality, I have concluded that this site is too isolated to allow for an allocation of new tourist accommodation buildings and it is unlikely that the existing buildings would be suitable. I am satisfied that adequate policies exist within the Strategic Plan to deal with tourist accommodation matters. 257 supports the Proposal. 359 suggests the terms should be widened to include other areas of the economy. However, upon reflection, the Department suggest under PC115 that the Proposal is too general and should be omitted. I agree; it could form part of the Review of the Strategic Plan as it could be applied to the whole of the Island.

#### Employment Proposal 5

- 6.23 027 suggests that Castletown harbour already has sufficient facilities for current boat owners. 260 and 360 support this Proposal.
- 6.24 I support this Proposal as it sets the parameters for any new industrial uses that may wish to locate in these two harbour areas. However, I suggest the word "must" in the second line be replaced by "should" to allow some flexibility.

#### Retail

##### Paragraph 6.10-6.19.3

- 6.25 050 supports this part of the Plan. I note the support given and agree the information given is a useful basis for encouraging additional retail developments in the area. 258 suggests reference be made in the Plan to development that encourages diversification; the restriction of putting retail only into towns and villages limits the potential in rural areas. As the Department point out, this principle is set out in Environment Policies 17 and 18 of the Strategic Plan because it is an Island-wide issue.



- 6.26 259 makes the point that the character of Port Erin has changed due to the conversion of visitor accommodation into residential use; further erosion of the leisure offer for visitors would have a negative effect. I note the points raised, but the intention of 6.14.1 and Mixed Use Proposal 3 is to add to the vitality and viability of the Lower Promenade by encouraging uses that would attract visitors. To my mind that is a sensible approach. 497 asks for retail elements in the area to be taken into account in the calculations. The Department state that a decision was taken not to include car storage areas as it would be difficult to resist permanent structures.

Paragraph 6.25

- 6.27 498 suggests the paragraphs under section 6.25 are bland statements. I note the comments, but the text was intended to provide information.

Paragraph 6.19.2

- 6.28 026 supports the contents of this paragraph.

Tourism

Paragraphs 6.24-26

- 6.29 028 supports this paragraph. 037 seeks Malew Church to be included as a visitor attraction under 6.25 and a change to the Map. PC116 is suggested to cover this matter. Under PC 118, 119 and 120, Map 3 is amended in response to representation 038. 116 asks how Planning Officers decide whether tourist accommodation is still commercially viable. As with many planning issues, I am sure the Department's Officers gather information from various sources prior to making a decision, including advice from the Department of Economic Development – Tourism Division. The Area Plan cannot define such circumstances as that would be too detailed for a document intended to give advice on land-use matters.
- 6.30 261 states that it is recognised that the Plan deals with specific sites, but visitor economy is opportunity driven and it is not possible to determine where there is a need for diversification. It asks for an additional Proposal. In my opinion, rather than try to introduce a Proposal just for the South of the Island, this is a matter that should be dealt with at the Review of the Strategic Plan. 262 suggests the Employment and Environment Chapters make reference to the impact of events on the Island. I see paragraph 6.25.11 as being an informative and do not agree it should give warnings of the nature suggested.

- 6.31 263 supports paragraph 6.27.1. 361 asks for a re-wording; the Department suggest PC117. 401 supports the objectives, but asks for deletion of “provided it is still viable”; 417 suggests that the question of viability must be independently assessed. I disagree with 401 as the wording allows a necessary flexibility in the objectives; it will be for the Department’s Officers to determine independently whether an hotel is viable based on evidence supplied to them from various sources. 420 supports paragraph 6.26.2.
- 6.32 460 supports paragraph 6.26.2 and 461 supports paragraph 6.27.1. 518 asks to remove the phrase “provided that it is still viable” from paragraph 6.26.2. I cannot support such a request as the Plan wording allows some flexibility. 519 suggests that Tourism Proposal is not strong enough. I am satisfied that the text is clear in its intensions.

#### Tourism Proposal 1

- 6.33 029 supports the inclusion of Castletown Golf Links. However, 060 objects as the approach to the promotion and development of tourism is inadequate; specialist and short break hotels should be encouraged and redevelopment or re-use of existing tourist accommodation resisted unless unviable. 264 supports this Proposal and suggests a Development Brief for the Castletown Golf Links Hotel. As the Proposal is to retain the hotel use rather than develop that site, I do not agree a Development Brief is required. 363 supports the Proposal.
- 6.34 I support this Proposal as it is necessary for the retention of adequate hotel facilities in the South if tourism is still to provide a significant element in the attractiveness and economic viability of the Island. However, I do not consider the Proposal should go as far as the suggestion made under 060. I note the support given by 402, but do not consider the suggested change should be adopted; the Proposal needs to be flexible.

#### Tourism Proposal 2

- 6.35 188 suggests that new sea walls and tidal “re-directions” would have a devastating effect upon Port St Mary Harbour and Bay. The Department state that an Environmental Impact Assessment would be needed with any such development scheme. In these circumstances, I am satisfied that the wording of the Proposal is sufficiently robust to deal with such matters. 265 and 364 support the Proposal. 448 is not in favour of a marina as it would be too large and not respect the built environment and amenities.

I am satisfied there would be adequate protection within the wording of the Proposal. See below for my response to 098.

### Future Developments

#### Paragraph 6.27

- 6.36 098 seeks changes to protect areas from any future marina developments. The Department suggest PC121 and 122 in respect of Tourism Proposal 2 and a new Tourism Proposal 3 covering Port Erin Bay and Port St Mary Bay. I concur with these amendments as it is essential careful consideration is given to such new developments. 217 asks that under 6.27 and 6.8.3 land east of the Sefton Express Hotel be designated for Tourism to allow for additional hotels.
- 6.37 The Department point out that the allocation as Business Park would allow a variety of uses; an allocation just for Tourism would be too restrictive. I agree with the Department as such an allocation does need flexibility to encourage additional schemes. It is also likely that new hotels would be acceptable within a Business Use and I suggest an addition to 6.26.2 to clarify the position.
- 6.38 201 states the Plan should give support for new hotels in Castletown or close to Ronaldsway Airport to serve the business community. The Department suggest there is no evidence of need for such further allocations; existing hotels have been identified. I agree. 362 asks for an addition to the last sentence of 6.27.1. The Department suggest PC122.

### **RECOMMENDATIONS**

- That PC 102, 103, 104, 105, 106, 107, 108, 109, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121 and 122 be adopted subject to my comments
- That the Mixed Use Proposals be adopted subject to my comments.
- That PC110 be reviewed in respect of Development Brief (a) in the light of my comments in Chapter 4; that Development Brief (b) be adopted.
- That Employment Proposal 5 be amended in the light of my comments.

**CHAPTER 7 – TRANSPORT, INFRASTRUCTURE AND UTILITIES**

**Objections: 064, 065, 087, 190, 221, 481, 482.**

**Comment: 011, 160, 161, 190, 234, 266, 365, 366, 487, 524.**

**Support: 160,161, 267, 367.**

**Proposed Changes: PC123-130.**

General

7.01 011 advocates that nothing is done in planning terms to inhibit the future use of the steam railway line between Port Erin and Douglas. Transport Policies 1 and 3 of the Strategic Plan already safeguard the matter raised and I am satisfied that there is no need for further changes to the Area Plan. 487 raises questions about future local problems of parking at Arbory School and traffic at various road junctions. The Department point out that a new car park has been built at this school and traffic data did not show traffic problems or congestion locally.

Paragraph 7.2

7.02 160 supports the objectives, but suggest footpaths should be improved to allow cycling and "Skipper" buses be provided. I note the comments, but the remit of the Area Plan does not extend to providing bus services. 190 states that due to the appalling condition of roads, any money available for the Area Plan should be spent to improve highways. The representation also requests more commitment to energy conservation and generation. Such a matter is for the Review of the Strategic Plan and Building Regulations as it is an Island wide issue. The Area Plan is not the mechanism for dealing with repairs to roads and it was a Government decision to require an Area Plan for the South.

Paragraph 7.4

7.03 064, 065 and 161 seek the conservation of Ballasalla and the provision of a By-Pass. 087 asks that no further development be permitted until a By-Pass has been approved and constructed; traffic is already at a critical point and the Highway Division's traffic counts are flawed. The Department state that there is insufficient evidence to justify a By-Pass; traffic levels have decreased, the growth at the Airport is not as high as anticipated and the Government have other road schemes that take priority over a new By-Pass at Ballasalla. As a conclusion to this information, the Department suggest PC123, 124, 125, 126, 127, 128, 129 and 130. 365 suggests a full EIA is required for the By-Pass at an early stage; there

are major archaeological deposits in the vicinity, as well as ecological concerns.

- 7.04 The Department point out that such a matter would have to be determined against the policies in the Strategic Plan. At the Inquiry, the Department accepted that there was merit in the suggestions relating to archaeological remains and were prepared to include within the Development Brief for SR2, similar wording to that in point 6 of the Development Brief for Site 5. I concur with such changes to the Plan.
- 7.05 481 states that the Government have a choice; no By-Pass, no meaningful development. 524 states that it is imperative the Ballasalla By-Pass is built before any development is undertaken and there is adequate infrastructure. 482 suggests that paragraph 7.4.3 refers to a previously rejected proposal and should not be reconsidered. In my opinion, if the Government do decide to construct a By-Pass, it is likely various access points, including the Balthane Industrial Estate, would have to be considered in the interests of road safety and environmental amenities.
- 7.06 At the Inquiry, I was told by the Department's witness that even with the additional traffic generated by the Crossag Farm development, there was no statistical evidence to support a new By-Pass at Ballasalla. For my complete conclusions regarding the By-Pass and SR2, please refer to Chapter 4.
- 7.07 Whilst some objectors insisted that the Departments figures were flawed, I was given no evidence to justify such a claim. However, the Department's witness was quite candid in stating that he had no explanation for the drop in traffic flows in most of Ballasalla; he said that at the present time, the best the Department could suggest was to safeguard the possible route of a By-Pass.
- 7.08 Given these circumstances and lack of evidence to the contrary, I accept the conclusions of the Department in PC123-128 and 130 as these simply provide factual information. But I suggest they are reviewed in the light of my comments relating to SR2. As I mention in Chapter 4, if SR2 were to be released now, there would be likely to be a need for a By-Pass and the opportunity to obtain funding from developers. Such a new road would also provide a much needed opportunity to improve the centre of the village in environmental terms, as well as the prospect of additional services and facilities. These circumstances could well bring about an improvement in the living conditions of local people. In my opinion, that is something residents deserve given the amount of additional housing allocated to the village. Finally, a new By-pass would greatly improve the appearance of the

entrance at one of the main Gateways into the Island – Ronaldsway Airport.

#### Transport Proposal 1

7.09 221 objects to there being insufficient information upon which to determine the impact of a By-Pass. 366 supports the Proposal, but asks for major consequential issues to be clearly stated. Given the views I have expressed in Chapter 4 and in this Chapter regarding the provision of a By-Pass at Ballasalla in the event of the release now of SR2, I strongly urge the Department to adopt a suitably worded replacement for Transport Proposal 1 that requires the urgent design of a new By-Pass. Also that a method of obtaining financial contributions from developers, completion of the By-Pass to serve all new development and the design of new road junctions. Given the relatively short time that will remain until the end of the Plan period, it is likely that the development of SR2 land and a new By-Pass will be towards the end of the Plan period in any case. I suggest a Legal Agreement with any developer is necessary to incorporate all matters associated with the new By-Pass and the new development.

#### Transport Proposal 2

7.10 For 221 see earlier comments. 266 asks for consideration to be given to businesses that become "by-passed"; need easy access to Rushen Abbey and the railway station. In my view, an advantage of a By-Pass must be a more pleasant environment, a reduction of traffic and access to business facilities. 367 supports this Proposal.

#### Ronaldsway Airport

267 supports paragraph 7.5.2.

### **RECOMMENDATIONS**

- That PC123-130 and Chapter 7 be adopted subject to review in the light of my comments regarding SR2 and a new By-Pass at Ballasalla.
- That the design and a programme for the implementation of a new Ballasalla By-Pass be sought urgently.
- That Transport Proposal 1 be deleted and replaced by a Proposal seeking the implementation of the Ballasalla By-Pass under the terms of a Legal Agreement with any developers requiring financial contributions, completion of the By-Pass to serve all new development.
- That Transport Proposal 2 be adopted.

## **CHAPTER 8 – SPORT, RECREATION, OPEN SPACE AND COMMUNITY FACILITIES**

**Objections:** 039, 051, 081, 088, 206, 216, 483, 505, 506.

**Comment:** 051, 081, 117, 162, 163, 182, 184, 185, 231, 268, 269, 372, 373, 438, 484, 499.

**Support:** 034, 216, 367, 368, 369, 370, 371, 374, 375, 376, 403, 404, 405, 418, 419, 462, 463, 520, 521.

**Proposed Changes:** PC131-146.

### General

8.01 081 suggests that having made a commitment for recreation land as part of the development scheme at Ballakilly, the Plan should mention this in Chapter 8. It should also state that any rugby pitch should be for the use of the Southern Nomads Rugby Football Club on Site 24. See paragraph 8.05 below. However, as the Area Plan is a land-use designation plan, no mention should be made in respect of ownership or occupancy; I have made further comments under Chapter 4.

8.02 483 suggests that no open space has been provided in Ballasalla of the kind needed; perhaps the old school site could be allocated. Whilst I acknowledge the comments made, the decision about the school site is a matter for the Department of Education. However, I note that under paragraph 8.4.1 and Appendix 7, there are some open spaces in Ballasalla and Site 2, as well as SR2, will include open space in accordance with Strategic Plan requirements.

### *Sports facilities*

8.03 034 supports this part of the text. 185 asks for part of Strategic Reserve Site 2 to be used for a fire station; the Department has now stated that this representation is no longer being pursued. 231 suggest the need for more covered sports facilities. 268 suggests the Plan should recognise the importance of golf courses in the visitor economy. In response the Department suggest PC131; that is a sensible clarification. 403, 405, 418, 462 and 520 support 8.7.1.

### Recreational Proposals

#### Recreation Recommendation 1

8.04 162 asks that there should be a proper balance between the use of community halls by schools and the public. Whilst I

understand the objectives of the representation, Recreation Recommendation 1 is only a request to other Departments because the management of such facilities is not within the remit of the Area Plan or the Department of Infrastructure. I did give serious thought as to whether such a Recommendation should be within the Plan at all, but upon consideration, I see no harm provided the status of the Recommendation is clearly understood.

- 8.05 117 suggests a specific proposal for recreation should be included for the Ballakilley land. See also paragraph 8.01 of this Chapter. 368 supports this Recommendation. The Department suggest that paragraph 8.8.6 is replaced under PC132 if the designation of site 16 is changed to residential/recreational. As I support that change, I see no need for PC133. The Department also suggest PC134 to replace paragraphs 8.8.7 to reflect the change of playing fields to Business Park in response to representation 505. I concur. A change is also proposed under PC 135 and 136 to clarify the sports facilities and I again concur with the changes. PC 139 would provide a new Recreational Proposal for the development at Ballakilley (Development Brief 24). I see no objection to the basis of the change, but suggest a review in the light of my comments in Chapter 4 in the interests of consistency.

#### Recreation Proposal 1

- 8.06 369 supports the Proposal. See Site 15 in Chapter 4 in respect of my conclusions and recommendation.

#### Recreation Proposal 2

- 8.07 370 supports the Proposal. See Site 16 in Chapter 4 for my conclusions and recommendation. I recommend that Recreation Proposal 2 be deleted in accordance with PC137.

#### Recreation Proposal 3

- 8.08 371 supports the Proposal. However, 505 asks for the land to be allocated for industry. The Department has negotiated with the objector and now suggests PC134 that would involve the deletion of Recreation Proposal 3. The latter would be replaced with a Proposal and Development Brief that shows the playing field may be used as a Business Park or extension to the existing business. Applications for development would be assessed against Recreation Policy 2 of the Strategic Plan; the Area Plan Maps would be amended to show Business park use and the remaining land as open space/agriculture. Objector 505 agrees with the changes. Having given careful consideration to the changes and bearing in mind the location of the land, I concur with PC134. However, in Chapter 4 I



have recorded concerns at the Department's suggestion to retain the land for the use of the existing owners. For further comments regarding the use of this land as Business Park, please see Chapter 4 – Omission site 17.

#### Paragraphs 8.9-8.14

8.09 269 suggests a new Proposal supporting water based recreation. In my view this is an Island-wide issue which should be within the Review of the Strategic Plan. 404, 419 and 463 support 8.13.3. 499 states that accommodation facilities cannot just rely upon conversions, there should be specialist built visitor accommodation. 521 supports paragraph 8.13.3. The Department suggest changes are unnecessary and the Strategic Plan Business Policies 11-15 deal adequately with this matter. It is an Island-wide issue and should await the Review of the Strategic Plan.

#### Community Facilities

##### Paragraph 8.16

8.10 184 ask for a water suppression system to reduce environmental impact in the event of fire. This is a matter for Building Regulations and not the Area Plan.

##### Community Facility Proposal 1

8.11 206 seeks the designation of Buchan School land to residential to fund the relocation to the King William College site; an alternative would be further education use. At the Inquiry, it was pointed out that the Buchan School site is in private ownership and the rejection by the Department for a residential use as an alternative to a school use is not based upon reasonable logic or a sound planning judgement. A sketch layout indicates how the site could be developed for a medium to high density development. This form of development is likely to be supported by the Commissioners. The objectors wish to relocate the Junior School onto the King William College site and the sale of the existing school land would fund the move.

8.12 The Department point out that the educational requirements for Castletown have not yet been determined and that it would be premature to allocate the land for residential. The use for Education/Recreation/Leisure uses would not preclude the move for Buchan School.

8.13 Whilst I understand the objector's concerns, to allow the land to be allocated for housing before the educational requirements of this area are known would be premature and ill-conceived. At the Inquiry, the objector accepted that should the land be allocated for housing, it would be

permanently lost for educational purposes and at a time the Victoria Road Primary School is in need of expansion. However, as the Department have accepted that should the land no longer be needed for educational purposes, a residential use would be appropriate, I suggest such a statement be put within the text of 8.16. See Chapter 3 for reference to representation 208 and King William College land.

- 8.14 372 suggests the Buchan School site could serve as land for a new primary school. The Department point out that is what the Proposal involves, but suggest PC140 to provide a cross-reference to site 9. I concur.

#### Community Facility Proposal 2

- 8.15 373 suggests the Proposal should include a requirement for archaeological evaluation. The Department has misunderstood the representation as any levelling or changes to ground levels could affect archaeological remains; an evaluation is necessary for future developments. See Chapter 4 – Sites 9 and 16 for my response and conclusions. The Department suggest PC141 to provide a cross-reference to site 25. I agree.

#### Community Facility Proposal 3

- 8.16 374 supports the Proposal. 506 says the land should remain in agriculture as there is no need for more schools when pupil numbers are falling. The Department of Education require the land as it is near to the existing school. See Site 25 in Chapter 4 for my response and conclusions.

#### Community Facility Proposal 4

- 8.17 375 supports the Proposal. Under PC 142, the Department provide a cross-reference to site 10. I concur.

#### Community Facility Proposal 5

- 8.18 376 supports the Proposal. 088 suggests the Proposal is too vague; the existing Primary School should be allocated as Open Space. 216 supports the allocation of Proposed Primary School 2 (PPS), but not PPS1. PPS 2 should be part of a comprehensive development at Crossag Farm or as a stand-alone new school development. The school would also need to accommodate a Community Activity Hall now proposed by the Government. But there is still concern at the access and suitability of PPS2. This Proposal is also premature pending a Government commitment to a school.

- 8.19 The Department state that Departmental discussions are still proceeding on this matter. It seems to me that the Area Plan

is too early to identify precisely where a new Primary School would be located or the future use of the existing school site. In such circumstances, it would be premature for me to recommend that the existing school site be allocated as Open Space or that any change should be made to Community Facility 5 as suggested by objectors. It is quite reasonable for the Area Plan to allocate alternative sites for a school, as well as the residential allocation at this stage, without knowing the precise location. It is intended to be the principle of a new school rather than the precise details. However, I strongly recommend that the Department seeks urgent discussions with other appropriate Departments and the Parish Commissioners to assess the timing, location and requirements of the school and local community facilities.

#### Other facilities

- 8.20 182 asks that the new retained fire stations at Castletown and Port Erin be included as part of the plans for the community. The Department suggest PC143 to cover this matter; it is also mentioned that if the representation had offered specific proposals, they could be assessed as part of the Area Plan.

#### Allotments

- 8.21 163 asks for uniformity in developing allotments. The Department state that they are preparing an advice note to address this matter. 484 states that allotments are crucial, particularly if people live in flats. I agree with the representation, but it is often a matter for other organisations or Parish Commissioners to institute such facilities. I suggest an amendment to 8.18.1 to this effect.

#### Burial Grounds

##### Site 27

- 8.22 039 asks for re-designation to "proposed churchyard extension" (see Site 27 in Chapter 4). The Department accept the change and suggest PC145 and 146 to cover the issue. I concur with this change, including the amendment to the Development Brief to cover phasing, access, landscaping and parking in the interests of highway safety, and visual amenity. 051 asks for removal of a designation on land north of Arbory Churchyard. Whilst I acknowledge the concerns of the objector, the fact that land is designated for a particular use does not mean that the existing use for agriculture cannot be continued; it is also a fact that the land has been so designated in an adopted Local Plan. I do not consider a change is necessary to the Plan. 438 states that

an extension to Arbory Churchyard is not mentioned. PC144 is suggested.

**RECOMMENDATIONS**

- That PC 131, 132, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145 and 146 be adopted.
- That PC133 be not adopted.
- That paragraph 8.16 be amended to reflect the Department's commitment at the Inquiry and my conclusions regarding the Buchan School land.
- That 8.8.1 be amended to reflect my comments in respect of the provision of allotments.

**CHAPTER 9 – MINERALS AND WASTE**

**Objections:**

**Comment:** 118, 270, 271, 272, 273, 274, 275.

**Support:** 227, 377.

**Proposed Changes:** PC 147-151

General

9.01 275 make reference to matters in the Draft Area Plan which have been overtaken by the changes made in the Modified Area Plan.

Paragraph 9.1

9.02 270 asks for the removal of reference to the Draft Minerals Resources Plan and replaced by advice that the Department of Economic Development is responsible for monitoring the Island's mineral resources. In response, the Department suggest PC147.

Paragraph 9.2

9.03 271 suggests replacing "correspondence" with "conjunction" in line 2 of 9.2.2. The Department agree and suggest PC148.

Mineral sites

Paragraph 9.3

9.04 118 suggests areas of mining interest should be more specifically identified. The Department respond that the quarries mentioned are active and where necessary specific policies would be prepared in the form of a Minerals and Waste Plan. 272 suggests other former quarries could be a potential source of stone. The Department point out that the intention of the Plan is to list existing active quarries for information purposes. I am satisfied that adequate reference is made in 9.3.1 and 9.3.2 to respond to these matters.

Paragraph 9.4

9.05 273 asks for mention to be made of a 10 year old planning permission extension granted in 2008 at Earystane Quarry; the Department agree and suggest PC149. 274 asks for amendments to mention that Turkeyland Quarry has ceased operation and to add the word "Quarry" to each location. The Department suggest PC 150 and 151 with which I agree.

Paragraph 9.6

9.06 227 supports the text within this paragraph; also that other Authorities be asked to provide such a service. The Department point out that the future of recycling is uncertain; Onchan have decided to scrap the system.

Waste Proposal 1

9.07 377 supports the Proposal.

**RECOMMENDATIONS**

- That PC 147, 148, 149, 150 and 151 be adopted.

**CHAPTER 10 - APPENDICIES**

**Objections: 036, 044, 047, 089, 109, 181, 204.**

**Comment: 010, 021, 030, 031, 044, 224, 380, 406, 464, 523.**

**Support: 021, 204, 224, 227, 379, 378, 384, 385, 407, 450, 522.**

**Proposed Changes: PC 152-159 and 162.**

Appendix 1

10.01 The Department suggest PC152 to co-ordinate the Plan with the draft PPS. I have no further comment on this Appendix.

Appendix 2

10.02 The Department suggest PC 153 to up-date the Table. I have no further comment on this Appendix.

Appendix 3

10.03 The Department suggest PC154 to up-date the Table. I have no further comment on this Appendix.

Appendix 4

10.04 030 questions why so many open spaces and woodland areas have been listed in Appendix 4 as Low Density Housing in Parkland (LDHP). 036 objects to the Parville Estate being designated LDHP and seeks re-designation as Open Space. The Department point out that the site is designated LDHP due to its unique characteristics; no objection is raised to the re-designation to Open Space. In my opinion, this is another example of the inconsistent approach to the designation of LDHP. See Chapter 4 for my comments and recommendations.

10.05 378 suggests many sites need recognition of their cultural sensitivity. The Department note the points raised in respect of various sites and state the matters will be investigated further. The Department suggest PC155 to up-date the Table. In accordance with my comments in Chapter 4, I disagree with PC155 and suggest the list only contains reference to existing LDHP sites until the matter is determined at the Review of the Strategic Plan. I have no comments regarding representation 036.

Appendix 5

- 10.06 010 suggests an amendment to 5(a)(b); the Department agree and PC156 would respond to the matters raised. 044 objects to Cregneash being referred to as the National Folk Museum; the village should be a Conservation Area. The Meayall peninsula should also be correctly recorded. I note the views of the objector and the response from the Department. It seems to me that there would be no harm in inserting the words "Whilst it would be more accurate to refer to Cregneash as the setting for the National Folk Museum ..." prior to "The introduction of additional dwellings...". I refer to the question of Conservation Areas in Chapter 5 of the Report.
- 10.07 047 asks for an explanation of the methods used to score sites under the Site Assessment Framework for housing and definitions of sustainable and unsustainable communities. It seems to me that the Framework published in July 2008, is quite clear. But as paragraph 4.7 states, that is not the only basis for assessing sites; there is always a need for a professional judgement by officers in respect of such matters as site characteristics and availability. The term sustainability is usually understood to be based upon the definition given in the Oxford English Dictionary.
- 10.08 109 suggests that the Map does not show all properties that form part of The Howe and Glen Chass; other properties should be included. In my opinion, the identified boundaries generally show a proper area for the settlement. 181 seeks scope for infilling on land to the rear of Derbyhaven House. The Department accept there could be scope for 1 house. Having visited the site I disagree with the Department's conclusions. In my opinion, the comments recorded in the assessment for Appendix 5 (a)(f) of the Plan about Derbyhaven are correct. The existing group of properties in the settlement are not sustainable with few local facilities; there is no reasonable argument for local housing as it is close to Castletown. I recommend that PC 68 and 69 are not adopted, but that the Proposals Map and Appendix 5 be amended to exclude this land from the boundary and for further housing development. See Chapter 4 – Omission Sites.
- 10.09 224 supports Appendix 5 (a)(e) and suggests any housing be for local needs and further development limited. The Department is opposed to any further residential development beyond that proposed in Chapter 4. I concur. The text makes it clear that any additional development would be very limited; I see no need for an additional Proposal as requested. 384, 407 and 522 support Appendix



5 (a)(f) and 385 supports Appendix 5 (b)(Map). 450 supports Appendix 5 (b).

Appendix 6

- 10.10 021 seeks to strengthen the commitment to extend the list of Registered Buildings and 031 seeks proper references. The list of Registered Buildings and the list under consideration by the Department are for information only because the registration is dealt with under other legislation and is not within the remit of the Area Plan. To clarify this situation, I have recommended that paragraph 5.15 of the Plan be amended to set out the process for such registration. The Department suggest PC157.
- 10.11 204 asks for the removal of Cly Cur House, Ballamodha from the list of Registered Buildings, the LDHP designation extended to include that property and field 431288 be allocated for one dwelling. Dealing firstly with Cly Cur House, my general comments regarding LDHP are given in Chapter 4 of this Report. Having visited this locality, I concur with the Department's view that the extent of the LDHP designation should not include the full curtilage of this property even if some buildings remain outside of the designation. It is necessary to ensure such designations are not too extensive and give the impression that development is extending into countryside locations. I note the suggestion to construct additional buildings and driveway that would also be outside of the designated area. Such forms of development would be assessed at the time of any planning application and in the light of Strategic Plan Policies and Area Plan Proposals. In my view, there is no need to extend the designation of LDHP to cover such matters.
- 10.12 As far as Registration or de-Registration is concerned, they are not matters within the remit of this Area Plan. Having visited the area, I have concluded that field 431288 in Wigan Lane should not be designated for housing as it would represent an unacceptable intensification of development in an unsustainable location.
- 10.13 379 supports Appendix 6. 406, 464 and 523 suggest additional buildings should be added; as I have reported elsewhere in this Report, the Area Plan is not the process for adding to the list of Registered Buildings. Paragraph 5.15 is to be amended to reflect that situation.

Appendix 7

- 10.14 Representation 089 states that a number of matters mentioned in the Plan are inaccurate; this gives the objector concerns as to whether the Plan has been prepared

accurately and properly. The Department have acknowledged the inaccuracies and suggested an amendment under PC159. Whilst I note the concerns of the objector, I am satisfied that the scrutiny provided by the Area Plan process will ensure the accuracy and reliability of the final version of the Plan. 380 asks for this Appendix to be updated with further information. The Department suggest PC162. The Department also suggest PC158 to include the Police Station under Emergency Services.

### **Recommendations**

- That PC152, 153, 154, 156, 157, 158 and 159 be adopted.
- That the Appendices be adopted subject to my comments and the Department's Proposed Changes.
- That PC 155 and Appendix 4 be reviewed in the light of my comments in Chapter 4.
- That Appendix 5 be amended in accordance with my comments in response to representation 044.
- That PC 68/69 be not adopted and the Proposals Map and Appendix 5 be amended to exclude this land from further housing.
- That paragraph 5.15 be amended in accordance with my comments.