

**Crown Division
Government Offices
Douglas
Isle of Man**

19 October 2011

**To the Minister
Department of Infrastructure
Government Offices
Douglas
Isle of Man**

Sir,

The Draft Town and Country Planning (Ballakilley, Bride) Development Order 2011

I have the honour to report that on Thursday 22 September 2011 I held an inquiry into the above Draft Order. I submit herewith my report, which includes the gist of the representations made together with conclusions and recommendations. My recommendations are that the Order be approved subject to amendments.

As well as considering submissions made at the inquiry, I have also taken into account appropriate matters from the written representations made during the processing of the Draft Order, on the basis that these were already familiar to the parties. I inspected the site and its surroundings prior to the inquiry and again immediately after its close, when I looked in particular at matters that had arisen during the inquiry exchanges.

I hope that you will find my report helpful in reaching decisions on the Order.

I have the honour to be Sir

Your obedient servant

A handwritten signature in black ink, appearing to be 'A. Langton', written over a horizontal line.

Alan Langton
Independent Inspector

The Draft Town and Country Planning (Ballakilley, Bride) Development Order 2011

Inquiry held on Thursday 22 September 2011

Site visits Tuesday 20 September 2011 and immediately following the inquiry.

Preamble

1. The inquiry was held at the Ramsey Town Commissioners' Offices (Ramsey Town Hall). I record my thanks to all participants for contributing to a courteous and informative debate, also to Officers of the Chief Secretary's Office for their usual efficient support and to the Town Clerk for his help regarding the room layout.
2. This report includes the gist of the cases, as I see them, based on written submissions, oral evidence and replies to questions put by me and between the participants. I then set out my conclusions and recommendations, having regard also to what I saw during the site visits.

The Site and its Setting

3. I suspect that most readers of this report will be familiar with Bride. In brief, a village of about 60 homes in the north of the Island, a little in from the east coast and about three miles from the Point of Ayre. The village includes its landmark St Bridget's Church, an attractive Methodist Chapel, primary school premises (run in conjunction with those at Andreas), a tea room, public conveniences and – as will feature in this report – a public car park (Doc 14).
4. The Order land is in two main parts: the car park, which is essentially level, with its access off the southern side of Cranstal Road (A16) in the centre of the village; and rising land behind the car park, currently used for grazing with a belt of trees across its uppermost, southern, part. A small gap in the tree belt currently gives access to Ballakilley Farm, immediately further to the south. To the west, the main rearward part of the site bounds Ballakilley Hill (A10), itself also rising steeply southwards from the centre of the village. To the east, the land similarly bounds Lambhill Road¹, a local minor highway.
5. The village includes two housing estates. Lambhill is a development of some dozen houses grouped around a cul-de-sac leading off the eastern side of Lambhill Road, opposite the Order site. Ayre View comprises some 32 houses and bungalows sitting on rising land off the western side of Ballakilley Hill, opposite Ballakilley Farm.

The Draft Order

6. If approved by Tynwald, the Order (Doc 1) would grant planning approval in principle for development of the site, defined by a plan, for purposes set out in the 4th of 10 listed conditions. The 1st is the normal time limit; the 2nd and 3rd provide for the Council of Ministers to approve details prior to commencement; the 4th confirms that the approval would be for purposes of housing and a public car-park; the 5th that there be no more than 27 dwellings, all sited on land south of (behind) the car park; the 6th concerns access requirements; the 7th design criteria for the layout; the 8th design criteria for the buildings; the 9th requires utility services to be below ground and soil stacks hidden; and the 10th that at least 75% of the dwellings be made available as approved dwellings in terms of the House Purchase Assistance Scheme 2007 (ie First Time Buyers) or as public sector housing. The terms of these conditions feature in the cases outlined below.

¹ For consistency I use these road names throughout. Cranstal Road is also part of the Point of Ayre Road (A16) and referred to as such in some submissions; Ballakilley Hill is part of the Bride Road (A10) and again referred to as such by some participants; while the lower part of Lambhill Road is also known as Chapel Hill.

7. An Explanatory Note attached to the Draft Order advises that the site is approximately 1.2 ha (3 acres). I sought clarification at the inquiry, and over the lunch adjournment the Department of Infrastructure (DoI) produced the following approximate breakdown, agreed by the parties.

Land	Hectares
Order site comprising public car, open land and tree belt	1.20
Car park	0.14
Tree belt	0.38
Therefore open land between car park and tree belt	0.68
For comparison: 32 dwelling Ayre View Estate	0.81

Gist of the Case for the Department of Infrastructure (Doc 10, 11 & 12)

Process.

8. All required procedures were undertaken leading up to the public inquiry. Section 8 of the Town and Country Planning Act 1999 (the Act) provides that:
- a development order may ... itself grant planning approval for development specified in the order (section 8(2)(a));*
- a development order may be made ... as a special order applicable only to such land ... as may be specified in the order (section 8(3)(b); and*
- planning approval granted by a development order may be granted either unconditionally or subject to such conditions and limitations as may be specified in the order; and in particular may require the approval of the Department to the design or external appearance of buildings (section 8(4)).*
9. In 2005 Tynwald resolved that:
- In advance of full Area Plan coverage of the Island or in response to specific circumstances, the Department² ... should bring forward Development Orders in accordance with section 8 of the ... Act to ensure an adequate provision of development land for the needs of housing;*
- any proposals for the release of unzoned land, for whatever purpose, should be considered by the Department against the policies of the Strategic Plan and any other relevant social and economic factors; and*
- any such Order shall be subject to full public consultation and public inquiry prior to the Order being made by the Department, subject to Tynwald approval.*
10. The 1982 Development Plan continues to have effect as an Area Plan for this part of the Island (Doc 15). Following the 2007 Strategic Plan (Doc 16), itself delayed by a legal challenge, work embarked on new Area Plans to replace the current patchwork of such plans. The Draft for the South is to be considered at public inquiry imminently³ and very preliminary work has started for the East. Plans for the West and North will follow but a review of the Strategic Plan is scheduled for 2012, on new census data, and realistically a Plan for the North is unlikely to be in place before 2015.
11. Meanwhile, this Order represents the best opportunity to facilitate affordable housing in the North by Government in the next 5 years; it is a legitimate, reasonable response to the Tynwald resolution. The Order was drafted by planning professionals, taking account of Strategic Plan policies as required by Tynwald; the Background Statement (Doc 2) did not need to set out every aspect. Also, the Order is in Draft, it may be modified in the light of the Inspector's report.

² Then the Department of Local Government and the Environment. In April 2010 Town and Country Planning functions passed to the Department of Infrastructure (DoI) and references in this report to the DoI include its predecessor department.

³ The Inquiry opened on 3 October 2011.

12. There has been no attempt to avoid due process. There are no explicit procedural requirements in the Act, but public consultation was undertaken in December 2010, notices in the press and in broadcast news items, and this public inquiry arranged. Email correspondence with Mrs Coren was simply a pragmatic attempt, at that time, to speed things forward by opting for written representations put before an Independent Inspector. In any event we are where we are – a public inquiry. The limited response may just reflect a lack of strong views.
13. Subsequent consideration of the scheme's details by the Council of Ministers reflects requirements in Section 11 of the Act and Section 10 of The Town and Country Planning (Development Procedure) Order 2005 with regard to any site, as here, in which the DoI has a direct interest. The process includes provision for consideration by an Independent Inspector.

Housing Need

14. The Strategic Plan's Housing chapter opens: *The principal objective of the Government's housing policy is to ensure that sufficient housing, to appropriate standards, is made available to meet demands created by the growth in population and changing household sizes. This provision should be made having regard not only to the other objectives of this Plan, but also to the aspirations of the population to live in particular parts of the Island* (Doc 16). The site including the access is vested in Government. At least 75% of the homes would be affordable with the rest available on the open market, so that at a time of doubt about the availability of finance for affordable housing, this scheme should be self funding. With the added benefit of mixed building types and tenures to assist social mix and integration into the village, helping to ensure a "sense of place". There is no reason why the development could not include sheltered housing, if there is a demand, enabling older villagers to remain at Bride while freeing up other accommodation for younger families.
15. Two data sets illustrate the need for affordable housing on the Island. The First Time Buyers Register lists qualifying households, under the Housing Purchase Assistance Scheme, who wish to be considered for the purchase of affordable housing. The Register is constantly renewed but the overall Island total remains stable at about 1,000 households. There is insufficient affordable provision. There are very few such open market properties (below £150k) and applicants indicate a spread of preferred locations because opportunities cannot be guaranteed equally everywhere. Within the northern parishes, Bride is:

First Choice	2 households	Bride
Second Choice	34 households	Ramsey 1 st choice for all but one
Third Choice	67 households	Ramsey 1 st choice for most, then Peel/ Kirk Michael locality ⁴

16. Local Authority Housing waiting lists indicate the need for public sector rented housing, and are increasing. In the northern parishes, the Department of Social Care (DSC) is the general provider and Ramsey and Northern the sheltered housing provider. Public sector housing is well sought after, with few voids and low turnover. At March 2011 the lists were:

Total on all Public Sector Housing Waiting Lists	1,881
Total on DSC Waiting List (whole Island)	149
Preference for Bride	23
Preference for North	21
Ramsey and Northern (Sheltered) Housing Committee Total Waiting List	109

⁴ DSC use a wider definition of the North than that in the Strategic Plan

17. It should be borne in mind that expressions of locational preferences may be influenced by where applicants perceive there to be the best chance of obtaining a home, and not just the place where they would most like to live.

Affordable Housing Supply

18. New affordable housing is provided by:
- Developer provision under Strategic Plan Housing Policy 5, subject to legal agreements under Section 13 of the Act. In practice this is generally fulfilled by means of First Time Buyer homes.
 - Direct investment by DSC and other authorities.
 - Development of land in public ownership, subsidised by the asset value of the land.
19. The approach was determined by a 1999 Housing Policy Review, which is periodically updated (Doc 19). It produced two principal all-Island annual targets for the construction of 80 public sector rented units and 80 first time buyer units. Since 2001 annual average completions have been just over 90 public sector and just over 60 first time buyer homes. Over this period, in the North a total of 59 first time buyer homes were completed, including 10 at Jurby, and 215 public sector units but of which 122 were replacements at Lezayre Estate, Ramsey.
20. Current opportunities in the North are:

First Time Buyer Housing		
Site	No of units	Notes
Waterloo Road, Ramsey	5	Section 13 agreement signed, currently on site
Poildhooie, Ramsey	Up to 43	Section 13 agreement signed, no start on site
Tower Road, Ramsey	4	Section 13 agreement under negotiation
Ormly, Ramsey, Phase 2	About 20	Site identified by developer, no progress on design. Long term only.
Public Sector Housing		
Elderly Persons Bungalows, Jurby	4	On site
Lezayre Estate	27	On site, nearing completion, final phase of estate redevelopment
Bretney infill housing, Jurby	6	Tender stage
Ramsey Triangle incl Albert Road School	About 40	Sketch design stage

21. New affordable housing has or is being provided at most settlements in the North, except Bride. DSC can control where some is targeted, but constrained by its ability to acquire and develop suitable sites. In the North, opportunities over the next five years appear limited. The 25% affordable provision in private developments of 8 dwellings or more became available only in 2007, on adoption of the Strategic Plan. In practice, there remained approvals in the pipeline predating the Policy. Even now, commercial viability and the nature of developments may be constraints or lead to commuted payments instead. The Tynwald resolution was a response to housing difficulties; it clarifies that progress on the Development Plan is not necessarily to stand in the way of delivery.
22. The Strategic Plan envisages total housing growth of about 1,200 homes in the North (of an Island total of 6,000) between 2001 and 2016 (Doc 16 para 5.22). It is acknowledged that, allowing for projected residential conversions, only another 26 new approvals are needed in the North to meet the Strategic Plan figure

(Doc 18 Table 1 – Island). However the 1,200 figure is not a ceiling, and it is specifically new *affordable* provision that is needed.

23. If the public sector component is to continue to reflect the current all-Island 17% and first time buyer units are to continue at about 60 per annum over the life of the Plan, some 350-400 of the 1,200 would need to be affordable:
- $$(1200 \times 17/100) + (60 \times 1200/6000 \times 15 \text{ years}) = 204 + 180 = 384$$
24. From the figures at paragraphs 19 & 20 above, the best estimate of new additional (excluding replacements) affordable units to be completed in the North from 2011 to 2015 is about 100, well below the required number: $59 + (215 - 122) + 100 = 252$
25. More provision for affordable housing in the North needs to be made. In line with paragraph 18 c) above, DSC would be likely to seek to procure the development by means of a brief with a commercial partner selected following advertisement. Satisfactory outcomes have been so achieved in recent years at Archallagan, Foxdale, Cronk Grainagh, Braddan and Ridgeway Road, Onchan.

Residential Land Availability

26. The 1982 Development Plan does not allocate any land for new residential development at Bride (Doc 15). It identifies the extent of existing residential development, possibly taking in a small part of the Order site although it is difficult to be sure at the small scale. Within Bride Parish, at 30th June 2011 there were only two approved residential units not started. Land allocated in 1982 at Andreas was fully developed for 74 dwellings about 10 years ago, although there remains 2 ha defined as existing residential but which is not fully developed. At 30th June 2011 there were four approved units not started. Further afield within the North, there remain some 60 ha of zoned residential land, nearly all in Jurby (16 ha) or West Ramsey/Lezayre (c 40 ha). The zoned land is not owned by Government and the owners are not willing to proceed at present. At 30th June, across the North, 257 approved units had not been started.

The Scheme

27. No worked up layout has been prepared as yet, but preliminary work confirms that the most effective would be a cul-de-sac reached via the public car park, along with a second access off Lambhill Road. Vehicular and pedestrian access can be provided to the heart of Bride and onto Lambhill Road, with additional pedestrian access on Ballakillee Hill, integrating the development physically and socially with the village. It is acknowledged that the Order does not expressly require the provision of open space; further consideration on this would be welcomed. There is, however, no requirement for an Environmental Impact Assessment (EIA); the Strategic Plan requires one only for residential developments above 30 homes (Doc 16 App 5).
28. The cul-de-sac could be arranged on a contour east-west across the site, with cut and fill to provide level building bases. Retaining some of the tree belt would safeguard characteristic views from the north by providing an irregular line of foliage and backcloth to the skyline above the houses. Up to 27 properties could be developed, making effective use of the land. This figure is within but not determined by the maximum of 28 that could be served compliant with highway standards. There would be a mixture of open market and two and three bedroom affordable homes and maybe a few bungalows. The character of the village would be protected and enhanced by a scheme compliant with Order Conditions.
29. From surveys, new housing developments on the Island generate between about 0.6 and 0.8 vehicle movements/dwelling in peak hours. Bride being a rural location the higher end of the range has been assumed, so that this scheme would generate about 22 peak hour movements. Added to the existing figure of about 70 during the peak (Doc 12 App B) the outcome would average one movement about every

40 seconds, a low figure that would not cause congestion or compromise safety. The increase may be compared with some 1,000 vehicle movements daily through the village, without congestion or a record of accidents. The road network is capable of accommodating the increase. Up to 25 dwellings could be served off Cranstal Road via the existing car park, the maximum for a cul-de-sac, and another 3 from Lambhill Road (Doc 22).

30. Cranstal Road is flat, with ready visibility and traffic speeds are low between two mini roundabouts. In comparison Ballakillee Hill is a higher classification road, steep, with higher traffic speeds (Doc 12 App B⁵) notwithstanding the 20 mph limit, and adequate visibility splays could not be achieved. For the recorded passing speeds the splays would need to be 120 metres in each direction (Doc 21), with a site frontage of just 55 metres on this road. Physical measures to reduce the speed of passing traffic could be considered, but at extra cost and even then it would be difficult to achieve satisfactory visibility.
31. Lambhill Road is narrow and winding, currently serving about 20 properties in the village plus some outlying farms. Although it loops round to join the A10 south of the village, in practice most drivers would use the more straightforward length to and from Cranstal Road, which should carry no more than the three further dwellings proposed.
32. The public car park is not marked out, which may be reducing its potential capacity, as does its subdivision into a main area and another behind the tea room. Giving over a strip at one end as an access to the development would be offset by laying the whole area out, with bays and circulation lanes, to achieve the optimum number of spaces. Highways Division would not oppose the access route doubling as a circulation lane for the car park and having, say, echelon parking directly off it. There is no reason why the development's residents would use the spaces for domestic parking as on-site provision would be made in accordance with Strategic Plan standards (Doc 16 App 7). The Bride Village Study 1991 (Doc 10 App F) originally identified the car park location as the preferred access.
33. The development would be served by mains drainage and other utilities (water, electricity, telecomms) with no concerns raised by the operators. There is no mains gas but Manx Gas has advised willingness to install a storage tank and underground supply network if a location is provided and there is demand.
34. The stability of the Chapel during building works is not strictly a planning matter, but would be fully addressed both as a Government land ownership responsibility and under Building Regulation control. Similarly understandable concerns about surface water run-off affecting the Chapel or the adjacent house, Reayrt ny Marrey, would be addressed by adequate drainage provision.

Strategic Plan Considerations

35. Central to the Strategic Plan (Doc 16) is the concept of sustainable development. Most proposals meet only some Plan objectives, but a broad approach should consider the Plan as a whole. Strategic Policy 1, with its supporting text, seeks the best use of resources. Bride village is the focus of the Parish, with its landmark church, chapel, primary school and small tea room. It is not the most sustainable location for residential development as regards local employment, shopping and many recreational and leisure pursuits, but the scheme would support the sustainability of this rural settlement by increased use of the primary school (supporting the viability of a key facility); meeting identified housing need; providing for affordable homes; and helping to underpin facilities and services such as the No 17, 18, 20 & 20A bus services to Andreas and Ramsey.

⁵ The Survey Point referred to was on this stretch of road

36. Andreas and Bride school buildings operate as one establishment. Bride has a class for reception/year 1 and a pre-school nursery for the combined catchment. The Department of Education and Children confirm that the school would be able to accommodate additional pupils arising from the development and that the school's long term viability, particularly the Bride part, would be improved (Doc 10 App E).
37. Strategic Policy 2 steers development primarily to towns and villages, and while there is no defined boundary for Bride this scheme would relate closely and well, reducing pressure for residential development further out in open countryside. Strategic Policies 3 and 5 seek to protect or enhance the individual character of towns and villages, and for developments to make a positive contribution to the Island environment. The Order Conditions secure those aims with regard both to the layout and building design.
38. Spatial Policy 4 states that in "remaining" villages, which include Bride, development should maintain the settlement character and be of appropriate scale to meet local housing needs and limited employment opportunities; Area Plans are to define development boundaries accordingly. Subject to the Conditions, the development would maintain Bride's character and meet local housing needs. Spatial Policy 5 opposes development in the countryside, outside defined settlements, save for exceptions listed in General Policy 3. The need to provide new affordable housing and limited opportunities could be said to bring the scheme within the scope of exception g) to this policy, but in any event implicitly a Development Order may relate to unzoned land, not currently defined within a settlement, otherwise the procedure would be a planning application.
39. Environment Policy 2 retains the system of Areas of High Landscape Value or Coastal Value and Scenic Significance (AHLV) until superseded by a classification including different categories of landscape with specific policies. Bride and its adjacent land are within an AHLV defined by the 1982 Development Plan as a broad coastal margin around the north of the Island. Within an AHLV protection of landscape character is the most important consideration, unless it can be shown that a development would not harm the landscape character and quality or the location for the development is essential.
40. Evolving from Environment Policy 2, the DoI has published a Landscape Character Assessment of the Island (Doc 10 App C), identifying nine Character Types including F: Undulating Lowland Plain, which includes Bride. The Character Types are sub divided into Character Areas, that relating to Bride being F1: Bride Hills. The Department has published an island-wide Draft Planning Policy Statement, PPS2/09 (Doc 10 App D) which although not finalised does include a key aim within Character Type F that Built development: *should seek to retain and reinforce local settlement patterns and identities in terms of scale, form, and the use of local vernacular styles and materials.* The Bride Village Study (Doc 10 App F; returned to below) includes an analysis of landscape impacts. The Study recommendations include containing the development *within new tree planting on the upper ground to the south east where it forms the perimeter of the village.* Provided that the Order Conditions are followed, the development would be well integrated with the village and its landscape setting.
41. Strategic Plan Housing Policy 4 steers new housing primarily to within existing towns and villages or, where appropriate, in sustainable extensions where identified in Area Plans. Viewed on the ground and having regard to the Village Study, the site is within the village. Strategic Plan paragraphs 3.2 and 3.5 include sustainability objectives to reduce the need to travel, especially by private car and to locate new housing close to public transport. These objectives are given effect in Transport Policy 1 while Transport Policy 6 requires the design of new developments to give similar weight to the needs of pedestrians as those of other

road users. Here the development would be within the village, close to the primary school, with good pedestrian access and served by bus routes. There are 17 bus journeys between Bride and Ramsey each week day, 13 on Saturday and 6 on Sunday (Doc 23). Although there are no dedicated cycle paths, the 4 mile route along the A10 between Bride and Ramsey is recognised as suitable for cycling.

The Bride Village Study (Circular 14/91)

42. This Study (Doc 10 App F) was intended to be the first of a number of Village Plans. Although not progressed as an amendment to the Development Plan the published circular remains extant. It should be read as a whole, however its Introduction includes: *The present character of the village and the views of it from the lower land to the north are recognised as being of very high quality and it is essential that these are retained. The study therefore has as its main objective to test the acceptability and size of any development in view of these environmental restraints to change and to balance these against the retention and enhancement of local services by any additional local population.* With reference to the site it states: *... the main area meeting the criteria is seen to be centred on the lower parts of the field that lies north of the Ballakilley Farm. And subsequently that: This area is not visible from outside the village, has access to the sewage system, and offers the opportunity to create an extension to the core of the village.*
43. The site was accordingly acquired in 1992 by what is now the DoI. At that time the Department considered the site suitable for a mix of housing of over 20 units. In line with a Study recommendation, a belt of trees – now well established – was planted across the upper (southern) side of site. Its extent would need to be adjusted to accommodate the development.
44. Regard should be had to the analysis, conclusions and recommendations of the Study, but in the light of the more recent Strategic Plan policies and significant changes in best practice regarding housing schemes since 1991. Plans, illustrations and layouts in the Study should be treated as indicative. Best practice has moved on a lot since. The Study indicated 12 dwellings⁶; but subject to stringent conditions required by the Order, up to 27 would provide a development attractive to look at and live in. Density is not of itself the issue, but quality; there are high density villages on the Island that work well as places. Bride remains on the list of locations to be assessed for possible Conservation Area designation (suggested in the Study for most of the village), but even if so designated this would not preclude development.

Local Opinion

45. The site was acquired as intended residential land with the knowledge and support of the Parish Commissioners. More recently, the 2010 consultation on the Draft Order led to four responses supportive in principle, subject to detailed concerns, and one objection. These are responded to in the DoI's evidence.

Gist of Written Submissions for the Bride Parish Commissioners

46. The Commissioners support the Order (Doc 3), although I understand from Mr Gallagher's evidence that they had also previously raised specific concerns regarding drainage and parking.

Gist of the Case for Mr Eddie Teare

47. The Draft Order is broadly supported (Doc 3 & 8). The site is clearly within the village and has been intended for housing for nearly two decades – since the Village Study. Topography will screen the development assisted by the tree belt. Having recently canvassed most homes in Bride (during the election) he had found a strong desire for more housing. Young people are forced to move away, clearly

⁶ Four were on land now occupied by the car park and public convenience

having an effect on the school. There has been an overall reduction in the Andreas/Bride School roll of 25% over the past decade. From September this year there are likely to be just four pupils at Bride, which is clearly not sustainable. As Minister for Education and Children he has been coming under strong pressure to review the situation. Without further development the Bride premises will close.

48. There are over 40 existing public sector houses but many occupied by older residents whose sons and daughters have left. These residents cannot be required to relocate and this creates a bottleneck. With an ageing population, the development should include sheltered housing, in turn releasing properties for younger occupants. Also some public sector tenants would like to own their home and remain in the village. The new homes are needed and the density issue can be addressed at the detailed stage. Claims that Ayre View has a high turnover are incorrect; the electoral roll remains stable over the years.
49. Some aspects do cause him concern. There may be noise close to the Chapel during construction. Access via the car park would reduce spaces for the village and residents on the new development would be likely to park there. The Lambhill Road access is not supported on safety grounds; sight lines are poor and the road already serves the Lambhill estate. Both issues would be resolved by taking a single access from Ballakillee Hill.

Gist of the Case for Mr Denis Duggan on behalf of Bride Methodist Church

50. The Chapel supports the development (Doc 3) but has concerns that building work might destabilise the adjacent Chapel building and would expect an engineered retaining wall to be constructed. Access via the car park would reduce the spaces, which can be full during functions at the Chapel, and would add traffic to Cranstal Road used by lorries carrying aggregates. A more suitable access would be Ballakillee Hill, leading into the village, taking traffic further from the school and improving overall safety.

Gist of the Case for Mr Ian Bleasdale

51. The scheme flows from the Village Study, a splendid document which inexplicably was never formally adopted as part of the Development Plan (Doc 3 & 8). While happy with the proposal, why are so many more dwellings being proposed than envisaged by the Study? Is the housing shortage so desperate for them to be crammed in irrespective of the resulting environment?

Gist of the Case for Mr John Edwin

52. His house, Reayrt ny Marrey, is one of the few immediately adjoining the site (Doc 8). He has no objection to the principle of the development. But the car park is a valuable village asset. It can be full, or even insufficient, for church and school functions, funerals, sports fixture and the like, and it should not be reduced. He also opposes the access onto Lambhill Road, which would be inadequate with poor visibility on a road busy at certain times of the day.
53. The site is the side of a hill with his house at the foot. Following heavy rain, run-off already floods his garden to several inches. Groundworks during development could make matters worse and damage the house foundations, and on completion the hard areas would reduce percolation. Written assurances are required regarding drainage.
54. Should the development proceed, the buildings should be of traditional Manx design, in keeping with the village, and this should be a requirement of the Order.

Gist of the Case for Mr L N Cussons

55. As a retired Bride Commissioner he has followed matters with interest (Doc 8). He would like to see the development proceed but has detailed objections. It would be better to consider the proposals in the context of a comprehensive Area Plan, to avoid random decisions. The number of properties has increased dramatically from what was envisaged in the 1991 Village Study. In particular, the tree belt was planted twenty years ago, in line with the Study, funded equally by Government and Commissioners. There should be a more realistic approach to the number of houses, retaining the trees. Government owns the land, long paid for, and is not constrained by the commercial pressures faced by a private developer. It has been established that 27 dwellings entirely within the currently open part of the site would be at much the same density as Ayre View, which is too high.
56. A development of 27 houses must incorporate at least 50 parking spaces, or there would be spill over onto the public car park, since public transport services for the village are poor. The car park is needed for village activities. High residential density would increase residential turnover as families outgrow the accommodation. That would mean moving away from Bride, where larger houses are not available. People would not put down roots in the community; an example is the turnover of young families at Ayre View. The scheme is based on an outdated model whereby families moved on regularly to larger properties. The current trend, stemming from mortgage difficulties and financial uncertainty, is towards staying put and adapting. The planners should not create a Bride dormitory for Ramsey or Douglas.

Gist of the Case for Mrs Emma Coren, opposed to the Order

Process

57. Mr Gallagher took up his post part way through the Draft Order process and her criticisms are not directed towards him personally. In response to the public consultation, she had opposed the Order because: the area is an AHLV; insufficient "proof of need" within Bride; apparent failure to examine alternatives, as required by best practice; need for independent and transparent examination of a scheme of inappropriate and unnecessary density; progressing the Order would potentially subvert due process and create a significant, unwelcome precedent; and the Order should not be progressed in advance of the forthcoming North Area Plan.
58. There followed email correspondence with officials in DoI (Doc 13 App 1), to the effect that there was no prescribed procedure for making the Order, that a public inquiry might be held and would she wish to attend? To which she had replied yes. She was subsequently advised, now by Mr Gallagher, that the Minister (Mr Gawne) had not decided whether a public inquiry would be held because of concerns that it would be cumbersome and costly; would she reconsider her request for an inquiry and an alternative course was raised. In fact she had never requested an inquiry but only confirmed that were one held she would wish to attend.
59. Having requested and received copies of other responses to the public consultation, she was again advised by Mr Gallagher that he was being "pressed by the Minister for an urgent resolution" that day, and did she still wish to pursue her objections at an inquiry? In her response she had noted that Mr Gallagher appeared to be under political pressure and she stated that:

Any intervention in the current planning policies or process ought to be rigorously tested in as robust and open forum as is possible: a public inquiry would provide a more open and transparent forum, with opportunities to test the proposal and any evidence presented by cross examination.

I maintain however that the key point is that the proposed development ought not to be considered prior to, or in isolation from the forthcoming Northern Area Plan (and the associated Inquiry, evidence and consultation).

60. On 14 June Mr Gallagher advised that the Minister had decided to hold an inquiry and that (in response to her point about political pressure) the only pressure was to resolve the situation. So that the Minister could quickly make a decision on whether to hold an inquiry, and that in this context the Minister had been keen to be aware of her views before a decision was made.
61. Shortly after, on 21 June, the Minister made the following statement in Tynwald (Doc 13 App 2):
- The Ballakille Bride Development Order has been the subject of public consultation. There was only a very limited response, most of which was positive; however, one consultee wishes the Department to hold an Inquiry and, unfortunately, the way in which I am assessing the situation, we do need to do that. We hope that the Inquiry will take place before October.*
62. Assuming that she is that consultee, again she had not requested an inquiry, only that one would be the appropriate forum and, if held, she would wish to attend. Her request had been that the Order be not progressed in advance of the Area Plan. She found the statement to Tynwald somewhat upsetting and intimidating, discouraging towards public involvement in Government consultation processes. Perhaps most seriously, the word "unfortunately" creates an impression of lack of impartiality; the Minister should not involve himself further in the Order.
63. She was subsequently advised that there would be an inquiry and on 20th July the DoI issued a news release (Doc 13 App 3). This referred to there having been only a small number of responses to the consultation, most in support, *but that in order to allow a full debate Mr Quirk [MHK, Member of the DoI with responsibility for Planning & Building Control] had decided to hold an Inquiry. He explained that, when Tynwald resolved the Department should consider the use of Development Orders ... it also specified that there should be not only public consultation, but also a Public Inquiry before such Orders are made and brought before Tynwald for approval.*
64. Correctly, the process should from the outset have complied with the Tynwald resolution [paragraph 9 above]. In his report (Doc 13 App 4) on the proposed Order at Cooil Road, Braddan (December 2010) the Inspector recorded evidence from the then Director of Planning:
- In dealing with a DO the process is very different to that when dealing with a planning application. The procedure that is required to be engaged as part of the DO process is comprehensive and engages the public and the community. It is subject to inbuilt safeguards and balances including consideration by an independent Inspector, public inquiry and subject to Tynwald approval ...*
- ... with a planning application the DoI responds to proposals, whereas with a DO the DoI is making the planning application itself ...*
- ... There is wider consultation with a DO; anyone can make representations. There would be more rigorous scrutiny with a DO compared to a planning application. There are more hurdles to cross with a DO compared to a planning application.*
65. A public inquiry was not the gift of the Minister, DoI or Departmental Member, as suggested in correspondence, press releases and Tynwald statement. The full process is required if the Order – proposing the rezoning of land in an AHLV – is to be considered in isolation from and in advance of long awaited Area Plans.
66. Importantly, *from the outset* the public should have been made aware that the process of making the proposed Order (a little used and unfamiliar instrument) would include a public inquiry by an Independent Inspector, as this may well have encouraged more people to engage with the process, an inquiry being regarded as a forum where competing interests may be assessed independently, expertly and transparently. The tone and substance of public statements (eg the Tynwald statement and the Press Release) adopted by the Minister, Department and Department Member, together with the apparent reluctance to hold this inquiry, may have discouraged representations to it, prejudicing members of the public.

Also, if approved the Order would create an in-principle planning permission; as such it should have been subject to the usual yellow site notice as for any other application. It was not, and lack of awareness may well have added to the procedural prejudice.

67. Within the Order itself (Doc 1), conditions 2 and 3 require the Council of Ministers to approve any detailed scheme. This is strange and worrying; the Council of Ministers would not be the appropriate body but rather the DoI.

Strategic Plan Policy

68. The Tynwald resolution also requires the Department to have considered the Order against policies in the Strategic Plan (Doc 16). The Background Statement (Doc 2) produced in support of the Order shows only a limited attempt to comply. Its Section 5.1 on "need" refers to the Strategic Plan but then outlines records of only generalised housing demand in the North of the Island; no explicit considerations of the proposals is made against these points.
69. Section 6 of the Statement recognises that Bride is not a sustainable location in several key ways before listing other considerations, including increased use of the school, provision of play space, restricting development in open countryside by providing houses within the village, and an energy-efficient design. There is nothing in the Order linking the development to retention of Bride school, or requiring play space or energy-efficient design, nor any change to rural planning policy for the surrounding area.
70. There is no evidence from the Statement that the Order was even considered against other relevant Strategic Plan policies and their supporting text; the process has been back to front, with only belated account taken. Spatial Policy 4 identifies Bride as a "remaining" village where development should maintain the existing settlement character and should be of an appropriate scale to meet local needs for housing and limited employment opportunities. Despite this explicit reference to Bride the Policy is not mentioned in the Statement.
71. Since Bride is not zoned for development, General Policy 3 applies, which opposes development subject to listed exceptions of which the only one even potentially relevant is: *g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative*. However, there is no evidence of national overriding need or that alternatives have been explored. The claim that the development would reduce pressure for development in the countryside around Bride is a red herring; there is no evidence of such pressure and there are planning policies to resist proposals should they arise.
72. Environment Policy 2 sets requirements for development in an AHLV, not mentioned in the Statement. In the absence of an Environmental Impact Assessment it is difficult to see how an objective analysis could have been made.
73. Strategic Plan paragraph 7.34.1 addresses the protection of settlement character, advising amongst other things that ... *it is important to the attractiveness and individuality of centres that over intensive development is avoided* ... The Order development would be both over intensive and in the very centre of Bride. In the absence of even a preliminary layout, the number of units, 27, appears to have been plucked out of the ether with no regard for its impact. Based on the open site area, the density of about 39/ha is well into the "high" range (Doc 20). Ayre View is at that density, and comprises terraces whereas the Order scheme is described as comprising detached and semi-detached homes. Unlike the Order site, Ayre View is well tucked away.
74. Paragraph 8.3.1, again amongst other matters, advises that new housing should be located only where it does not involve excessive travelling to and from work and amenities. This is not explicitly addressed in the Background Statement, though is

perhaps behind its admission that *Bride village is not a sustainable location ... in terms of opportunities for local employment, shopping and many recreation and other leisure pursuits.*

75. The Strategic Plan includes a stated Strategic Aim: *To plan for the efficient and effective provision of services and infrastructure and to direct and control development ... to meet the community's needs, having particular regard to the principles of sustainability whilst at the same time preserving, protecting, and improving the quality of the environment, having particular regard to our uniquely Manx natural, wildlife, cultural and built heritage.*
76. The lower density proposed by the Village Study would be more likely to encourage a sustainable community to develop in Bride than the high-density now proposed and would similarly be more likely to succeed in preserving and protecting the quality of the environment. The third stated Aim of the Strategic Plan is: *to protect and improve the quality of the environment*, with the stated Purpose: *to ensure that the Manx environment continues to be an asset for future generations.*
77. In more detail, Infrastructure Policy 1 requires all but the smallest developments ultimately to be connected to the IRIS⁷ drainage system; Appendix 7 that new residential development provides two parking spaces per dwelling and Appendix 6 sets out requirements for open space. None of this is in the Order or Statement. She does not support the idea of an access on Ballakille Hill because of the visual and traffic implications, but a low density development off Lambhill Road would solve every problem including loss of public car parking.
78. At present Bride is not over-developed, retaining its rural relatively unspoilt character; the Village Study recommended that most be designated as a Conservation Area. Visually, the high density development would dramatically adversely affect the heart of the village. This would conflict with Strategic Plan Spatial Policy 4 and paragraph 7.34.1. The lower density proposed by the Study would be more compatible.
79. The Order gives no consideration to other environmental impacts, such as noise, archaeology or traffic. A recent study described Bride as an area of exceptional tranquility. It is likely that there may be interesting archaeology on the site, with documentary evidence of a settlement back to the late medieval period.

The Bride Village Study (1991) Planning Circular 14/91

80. The Strategic Plan confirms (paragraph 1.5.2) that Circular 14/91 (Doc 10 App F) continues to have effect unless inconsistent. The Background Statement refers to the Study as having identified Bride as appropriate for residential development, but the DoI do not appear to have had regard to the Study's detailed analysis and recommendations, which in the absence of an EIA is the only available professional, informed assessment of the site and its village context. It should be accorded considerable weight.
81. The Study based its proposals on a detailed appraisal of Bride's planning context and community needs. The Order scheme does not comply; the Study proposed a much lower density of 8 dwellings with 6 garage units for the site now proposed for up to 27 dwellings. A further terrace of 4 dwellings then proposed on the roadside is now precluded by the public car park and public conveniences. Practice in the design and layout of residential developments may have moved on since 1991 but Bride is as it was then, characterised by low density detached housing. The Study states, with regard to the Order land, that the objective must be to integrate the new with the old. The emerging Planning Policy Statement on The Role of Landscape Character in Development (Doc 10 App D) likewise includes as its first key planning consideration for this area that *housing and business development should seek to retain and reinforce local settlement patterns and identities ...*

⁷ Integration and Recycling of the Island's Sewage

Conclusions

82. In 1991, at the time of the Study, the then Commissioners were supportive of the lower density housing proposed because they believed it offered an attractive quality of life to prospective householders, whether first-time buyers, young families or older people. The Commissioners were apparently keen to create an environment that would encourage a small number of households to put down roots and become long term residents, integral to Bride's vitality and underpinning facilities such as the school. By ensuring plenty of space at each plot, it was envisaged that people would have the option of extending their home as finance allowed and growing families required. In contrast, households who outgrow the high density development would have no option but to move on. In the early 1990s there were young people born and brought up in Bride who were keen to stay, living in one of the then proposed but never implemented houses. Sadly, they have since moved out.
83. The Order is not supported by any assessment of current local housing need at Bride, the analysis is of the northern parishes as a whole. Would these people be prepared to live, remotely, at Bride? Anecdotally, Ayre View is unpopular, with a high turnover, because it is seen as being in the "back of beyond" with limited services and limited public transport. It seems unwise to add another high density development.
84. The Order mechanism has been available for over a decade, but has been rarely used, and never to rezone and develop housing within an AHLV. In line with that Inspector's recommendation, the Cooil Road Order was not progressed. A Development Order, with its associated processes, is an inappropriately blunt instrument for the Island's highly sensitive environment.
85. The Ballakilley, Bride Order should be refused or carefully amended expressly to reduce the maximum number of dwellings to the density proposed by the Village Study, together with stringent conditions to control the visual quality and environmental impact on a sensitive village and community within an AHLV.

Draft Conditions

86. The schedule of conditions define the scope of the development that would be approved by the Order and accordingly shape the substance of the parties' cases as set out above. Additionally, towards the close of the inquiry I conducted a "round table" session during which anyone present was able to make constructive suggestions about possible modified or additional conditions, without prejudice to their general support or opposition for the Order.
87. Additional to points raised in the main debate, was one to require the pedestrian access on Ballakilley Hill to be taken northwards from the development, parallel to the road, to emerge as close as possible to the bus stops at the top of the hill. Another would prohibit felling any of the tree belt. A third was to link approval of the development to retention of the school. Mr Halliwell suggested that footnote 5 in the Order, identifying Government Circulars on house purchase assistance, be modified to include reference to revisions and successor Circulars. I address these additional points in my conclusions along with those regarding the Order as currently drafted.

Inspector's Conclusions

Process

88. Before turning to the substance of the Draft Order, I need to consider whether there are procedural reasons for recommending against its approval. The Town and Country Planning Act 1999 Section 8 is the statutory provision, and the extracts set out by the DoI precisely reflect the particular circumstances in this case. If approved, the Order would:
- itself grant approval for development specified in the Order (Section 8(2)(a);
 - apply only to the land specified (in this case on a plan) in the Order (Section 8(3)(b);
 - be subject to conditions and limitations specified in the Order.
89. That Development Orders have been infrequently used, and never it seems to rezone land within an AHLV to residential use, may point to a need for care but cannot be an impediment; there is nothing in the Act to suggest that it should not be employed in these circumstances nor because this happens to be the first time.
90. The process is also subject to the 2005 Tynwald resolution. This not merely endorses, but requires that in advance of Area Plan coverage Development Orders be brought forward to ensure an adequate provision of development land for the needs of housing. I readily accept unchallenged evidence that this arose because providing for housing needs was seen as problematic, and in some cases too pressing to await full adopted Plan coverage. That was in 2005, the Strategic Plan was adopted in 2007, following legal challenge, and the first Area Plan, for the South, is only now approaching its final stages towards adoption. Preliminary work has commenced for the East and Plans for the West and North are to follow, with a review of the Strategic Plan scheduled for 2012 based on new census data.
91. I have no wish to tempt fate, but any of these Plans could be subject to delay, say by legal challenge. When DoI forecast that the North Area Plan will not be fully in place before 2015 I suspect that this may be more than "realistic" but optimistic. Indisputably, in an ideal world decisions would be based on up to date Area Plans and I readily understand the views of those who urge this course of action. But, in our real world of finite resources there is no reason to presuppose that the Plan making process can or will be greatly accelerated. Meanwhile, if an unmet need for affordable housing in the North is demonstrated then I find no reason why, in principle, the Development Order process should not be used to address this.
92. To the extent that the Cooil Road Order has been referred to, it does I think underscore my conclusion here. In line with the Inspector's recommendation that Order was not approved, but there is nothing in the issued decision to undermine the principle or future use of such Orders, rather the reverse. Nor is this Draft Order flawed by specifying that further details would be subject to approval by the Council of Ministers, rather than DoI. This is simply the standard approval route for sites, as here, in which DoI has a direct interest. Section 11 of the Act and Section 10 of the Procedure Order set out the requirements.
93. The Tynwald resolution went on to establish two important safeguards. First that the release of unzoned land should be considered by the Department (now DoI) against policies in the Strategic Plan (subsequently formally adopted) and any other relevant social and economic factors. It is always possible to argue for more, but in my view the Background Statement, published in November 2010, is sufficient evidence that this Order had been so considered. It sets out clearly what is proposed, acknowledges that the land is not zoned for housing but is zoned as being of High Landscape Value and Scenic Significance. It refers to the 1991

Village Study and briefly outlines DSC records regarding the demand for First Time Buyer and Public Sector housing in the North, which plainly alludes to "other relevant social and economic factors" and concludes with a brief summary of why the DoI considers that the scheme accords with sustainability objectives in the Strategic Plan.

94. As a non-technical document "intended to assist those who wish to make representations for consideration by the Department before it decides to proceed with the Order" it seems to me that it fulfills its aim admirably. A lengthy document analysing the proposals Strategic Plan Policy by Policy would have detracted rather than helped general public understanding, and the fact that this was not set out at that stage is no indication that Tynwald's first set of requirements had been ignored.
95. The second safeguard is that "Any such Order shall be subject to full public consultation and public inquiry prior to the Order being made by the Department, subject to Tynwald approval". That is clear and although in the end fulfilled, the manner in which this was achieved left much to be desired.
96. Conducting the public consultation, and in line with the stated intention of the Background Statement just quoted, inherently gave rise to rights of objection. Mrs Coren exercised that right constitutionally, reasonably and obviously in good faith. The DoI ought to have welcomed her involvement and more clearly distinguished between its desire to promote the Draft Order and its quite separate duty to ensure that the rights of those who disagreed, wholly or in part, were actively safeguarded.
97. Reading the exchanges I am left with the uncomfortable feeling that instead Mrs Coren was seen as a nuisance. She ought never to have been questioned as to whether she wanted a public inquiry, Tynwald had built that into the process, and I can well understand that being singled out, not by name but quite evidently, in a statement to Tynwald must have been hurtful. I am also left with the feeling that the concerns and objections by those supporting the Order in principle were downplayed. Some of these concerns, such as the maximum number of houses or the particular accesses, are fundamental; there would be little scope for these to be challenged once the Order were approved.
98. Conversely, although the earlier tone may have been unfortunate, I do not consider that there was in the end any substantive prejudice. The inquiry was advertised and held, where the issues were explored, both the principle of the Order and its individually contentious aspects. I think it most unlikely that anyone wishing to comment at the public consultation stage would have foregone doing so simply because a future inquiry had not then been foreshadowed, or been unaware of the proposals simply because no site notice had been posted.
99. At the inquiry, Mrs Coren very properly acknowledged that Mr Gallagher had taken up his post as Director only part way through the process, and my comments now are not in any way aimed at him, or indeed any individual, but there are I think points that should be borne in mind as and when any future Development Order may be prepared.
100. For the present, however, there is no procedural impediment that would lead me to recommend against considering this Draft Order further.

Affordable Housing Need

101. It seems to me clear, and in line with the Tynwald resolution, that there is an initial onus on the Order Making Authority (DoI) to demonstrate a need for this Order. In this it differs from a normal planning application when generally the first question is whether a proposal would cause harm.

102. There is no evidence that the totality of house building in the North lags behind what is envisaged in the Strategic Plan. Quite the reverse, on the most recent review figures, total projected new provision since 2001 stood at just 26 units below the Strategic Plan allocation for the North of 1200. This is not an impediment to the scheme, the Strategic Plan figure is not a ceiling, but it does mean that the scheme is not materially supported by any direct need for its market housing component. Nor do the DoI suggest otherwise, the market housing would be a means to an end, enabling the scheme's affordable housing.
103. The need for the Order would have been strengthened by evidence of unmet housing need specific to Bride. Normal indicators would include: young adults constrained to remain at home with their parents; family members obliged unwillingly to move away; growing children having to share bedrooms; elderly people unable to downsize within the village. A household survey could have gone a long way to establish this basic local data. As it is the only pointer towards local need is limited to preferences expressed on the more general First Time Buyers register and public sector waiting list.
104. With something like 60 homes in the village, and no recent new provision, it is reasonable to surmise that there will be local unmet housing needs such as I have just outlined, but it would be surprising if this amounts to the number of dwellings, and the affordable provision, envisaged in the Order.
105. Widening the assessment, there is ample evidence that across the North of the Island as a whole, affordable housing provision, first time buyer and social rented, lags well behind what is needed to ensure that decent affordable housing is available to all in need of it. There is the lengthy waiting list for social rented housing, with a slow turnover of existing tenants, and the high and stable register of people eligible for First Time Buyer assistance. It is by no means unusual for a defined housing area to achieve its planned overall new housing provision while falling short with respect to affordable provision.
106. There are likely to be several reasons in this case. Housing Policy 5, normally requiring 25% affordable provision in private developments of 8 or more units, was not available until 2007 and will then have been subject to a lag effect as earlier, extant approvals were implemented. Even then, affordable provision will not always be practical or viable, particularly for brownfield sites requiring desirable but expensive remediation. More recently the financial downturn is certain to have curtailed privately owned land, zoned for housing, from being brought forward. This appears to be so with respect to the 60 ha of land allocated mainly at Jurby and West Ramsey/Lezayre, which if fully developed at normal residential densities with a 25% affordable component would readily absorb the current shortfall. It would, however, be unrealistic – and unfair on those in present housing need – solely to rely on that land coming forward within an acceptable timescale.
107. In contrast the Order site is Government owned. The terms of its disposal would be focused on achieving the development on the ground, including not less than 75% as affordable units. Part of the potential open market land value for residential development would instead be used as a subsidy to bring about the development. This has been done successfully elsewhere on the Island, as it has been in other jurisdictions, and I have no reason to doubt that it could be similarly at Bride.
108. The Order is supported by a clear, affordable housing need in relation to the North of the Island and is likely to be supported also by a small undefined need arising within Bride.
109. I do however flag up one detailed point regarding the development's affordable component, to which I will return. As the Draft Order stands it would authorise up to 27 dwellings. Within the terms of the Order, however, there would be little

incentive for a developer in practice to build more than 24: 18 affordable (75%) and 6 for sale on the open market. Increasing the total to 25, 26 or 27 would still only facilitate 6 open market properties, since at least 75% would have to be affordable. When I put this to Mr Halliwell he accepted that other controls, stemming from ownership, would have to be used to be sure of maximising the affordable component.

Locational Assessment

110. The Strategic Plan classifies towns and villages for planning purposes, making them subject to different spatial policies. Unsurprisingly Douglas has the highest classification as the Main Centre and an Island Gateway. Below that are the Service Centres: in the North, Ramsey. Then Service Villages: in the North, Jurby and Andreas. Next are the remaining Villages: in the North, Bride and (at least for DSC housing purposes) Kirk Michael. Below this level minor hamlets and clusters of houses are treated simply as part of the Manx countryside where development is generally resisted in accordance with General Policy 3.
111. Bride is expressly one of the villages subject to Spatial Policy 4: *In the remaining villages development should maintain the existing settlement character and should be of an appropriate scale to meet local needs for housing and limited employment opportunities. Area Plans will define the development boundaries of such settlements so as to maintain their existing character.* In locational terms, Bride is not a particularly sustainable choice for new housing that would plainly do more than meet local needs but would also attract new residents to the village.
112. There are no shops, post office or other similar services and no obvious source of local employment opportunities. There are bus services, though these do not extend well into the evenings, and I doubt that many residents would in practice regularly cycle the 8 mile round trip to and from Ramsey. Highways Division were surely right to forecast vehicle generation resulting from the development based on the top end of the range recorded at new housing developments on the Island. This does not sit comfortably with the aim of Strategic Policy 10 (a) to minimise journeys, especially by private car.
113. Conversely, the school premises are significant existing public assets, plainly and understandably valued locally; the benefits to a village community in not losing its school barely need stating. There is no lawful way in which conditions attached to the Order could require the premises to remain open. The development would support this aim only to the extent that it led to more young children living in the village, attending their local school and making it more viable. This is a significant factor in support of the scheme, but it does point strongly to a development attractive to families with young children.

Scheme Assessment

114. I do not accept Mrs Coren's argument that because the rearward part of the site lies outside the existing village boundary, in the countryside and within an AHLV, the scheme must therefore conflict with General Policy 3 and Environment Policy 2. This misses a crucial point. These two restrictive policies apply respectively within unzoned countryside and to AHLVs as currently defined by the 1982 Development Plan. If approved, the Order should be seen as, in effect, modifying the Plan so as to define a village boundary to include the Order land, albeit that this is being proposed in advance of a full new North Area Plan. The question is whether doing so is a sound modification.
115. In itself the site is a good choice. The public car park is at the heart of the village, and more materially the land to its rear is very well contained by the village on three sides and by the tree topped brow on the fourth. A well designed housing

scheme would sit here comfortably within the village setting and need have very little impact on the surrounding countryside or the village's landscape setting. I saw nowhere else about Bride remotely as suitable, and this land was of course first identified for housing by the 1991 Village Study and acquired as a consequence. Leaving aside for the moment whether Bride is a suitable location, if new housing is to be provided at the village then this is the best location.

116. Accordingly the scheme is then appropriately considered in the terms of General Policy 2, as one that would be in accordance with the – modified – land use zoning. I start by considering the accesses since much hinges on this. Several participants urge a full vehicular as well as pedestrian access on Ballakillee Hill, but I must recommend firmly against. The road is steep and traffic speeds are high notwithstanding the village's 20 mph limit; the site frontage is some 55 metres, on the inside of a curve, comprising an attractive rural bank and hedgerow. Issues of equity and safety conflict regarding the extent to which an access should be required to provide visibility in line with recorded, though illegal, traffic speeds or that required for the legal limit. However, the speed limit itself would point to splays of 45 metres⁸ in each direction, which regardless of passing speeds would need to be from a set back of 4.5 metres at the access. This would undermine the rural character of the frontage or at least require extensive restoration. Even then the splays could not be achieved without seeking additional fronting land or at least rights over such land, and in practice safety considerations would require longer splays or traffic calming measures. The latter would be technically difficult and certainly expensive on a steep hill. As well as a call on the viability of the scheme, the outcome would add clutter to the visual impact from setting back the frontage. As things stand the road does not suffer a poor accident record, it would be ironic were the scheme to create one.
117. The car park access would suffer none of these problems. Visibility is good, on a level stretch of road where traffic speeds are moderated by mini roundabouts. A cul de sac leading off this access could serve up to 25 dwellings in accordance with Manx highway standards, and as things stand 24 are envisaged. The access would be in the vicinity of the school premises but traffic conditions and child safety would, as now, be predominantly related to passing through traffic not the few additional vehicles going to and from the new houses. There would be little visual impact on the character of the village other than the loss of one sycamore at the back of the car park.
118. The car park is not marked out in bays but the entranceway must necessarily be left free, and that entranceway, upgraded, would serve both the development and car park, so only a few parking opportunities need be lost. I commend acceptance by Highways Division that the development access could double as circulation space for the car park. The Order conditions require improvements to the car park, which if surfaced and marked out would function more efficiently and leave what by most measures would still be a generous provision, upwards I would estimate of 20 spaces, for a small village. Major events at the school, church or chapel may from time to time create parking pressures in the village, but that is in the nature of major events almost anywhere and would not be significantly worsened by the Order proposals.
119. The lower part of Lambhill Road (Chapel Hill) is a quiet minor local road and from a technical point of view able to serve the additional three houses envisaged in the Draft Order. The site frontage is, however, an attractive stone wall, bank and hedgerow. Substantial restoration would be needed to conserve rural character. I turn shortly to housing numbers and density, and for the present conclude that

⁸ This standard allows for a small excess speed above the limit but much below what occurs on this stretch of road

were the number to be reduced then omitting this vehicular access would be a logical consequence.

120. A pedestrian access to Ballakilley Hill would require some works, to highlight its presence to passing drivers and enable emerging pedestrians, including children, to see up and down the road. With care this could all be achieved in a satisfactory manner and would be worthwhile because it would provide a useful route to and from the bus stops at the top of the hill, not just for the development's residents but for others in the lower part of the village. It would be worth exploring whether, by agreement, the pathway could be taken further up the hill, beyond the site along the edge of the farmland, to emerge close to the bus stops, but this would be a refinement not something essential to the scheme.
121. The number of dwellings was contentious even amongst participants broadly supportive of the scheme. As Mr Gallagher rightly stressed, density is not of itself a good indicator of quality. However, particularly in the absence of an indicative layout, density is a useful starting point for assessing the scheme's likely character and impact. The Island's standard measures are I understand retained in Appendix 8 of Planning Circular 10/91⁹. In metric units, this defines gross densities, including roads, open space etc as high at 32/ha; low at 12/ha and medium at typically 20 /ha. For the purposes those calculations, 75% of a site area is to be assumed to allow for undevelopable areas. Initially in evidence this approach had been applied to the whole 1.2 ha Order site, pointing to a gross density of some 30/ha, a little below the high density threshold.

$$27/(1.2 \times 0.75) \approx 30$$

122. This is not a useful analysis. The car park is not part of the residential site but intended simply to provide an access route to it. Also Appendix 8 was a broad brush approach to housing land availability in relation to resident populations. Discounting a quarter of land areas was plainly simply a rule of thumb to allow for land that "may be inappropriate to develop". Here, assessing a known individual site, the land that can and cannot be developed is known and provides a more certain basis for calculations.
123. Initially were the whole tree belt retained, this would point to a gross density on the open, developable area of just over 39/ha, well above the high density threshold. At the other extreme, were the tree belt to be removed entirely this would reduce the resulting density to about 25, well below the threshold. A density at the threshold would require the tree belt to be reduced by about half, 32 being mid way between 25 and 39.

$$27/0.68 \approx 39; 27/1.06 \approx 25;$$

124. Simply on these figures, it is evident why both Mr Halliwell and Mr Gallagher confirmed that some of the tree belt would need to be removed to accommodate the development. At present the belt is generally about 20 metres deep. It is attractive and growing well but as may be expected 20 years after planting the trees are not yet mature specimens.
125. The trees were planted with the intention of one day providing a backcloth for development on the lower land, and on evidence from Mr Cussons the cost was shared between Government and Commissioners. Removing part of the belt to accommodate more houses than was then envisaged is not to be taken lightly, but objectively a belt of half the depth, perhaps with a few thinned out specimens also retained in gardens, would still provide an adequate setting.

⁹ This Circular as a whole was rescinded on adoption of the Strategic Plan.

126. This would nonetheless leave the development at the threshold of being high density on land that, within the village setting, is much more exposed than, say, the Ayre View estate. Furthermore, as it stands the Draft Order conditions make no provision for open space within the development, something required by Strategic Plan Appendix 6, and certainly important if the development is to attract families with young children to attend the local school.
127. The indicative layout in the 1991 Village Study implies around 8 houses solely within what is now the open area of the site. I do not commend that layout; it is dated, loosely spaced and would lack cohesion and sense of place. More could be provided, consistent with good living conditions, a better visual feel and of course more effective use of the land. However, even with skillful design and careful attention to details I am left with the conclusion that rather too much is now being sought, particularly if, as intended, the development were to comprise detached and semi detached houses, possibly with some bungalows. Having walked the site and looked at it from various directions, my assessment is that not more than 24 dwellings, removing about half the depth of tree belt but incorporating some open space, would provide a sounder basis for detailed design work.
128. This being so, I also consider that the scheme would be better without the impact of a vehicular access on Lambhill Road, though a pedestrian link would be beneficial to help social integration and provide an alternative route from the Lambhill locality to and from the bus stops at the top of Ballakillee Hill.
129. Finally 24 dwellings could precisely achieve a split of 75% affordable to 25% open market (18:6) directly within the terms of the Order. This would not be a reason in itself to limit the total but there would be marginally better scope for social integration than the split of 21 to 6 resulting from a development of 27.
130. I looked both at the retaining wall around the Chapel, at the route taken by surface water run-off across Mr Edwin's back garden and more generally noted the proximity of both properties to the site. Structural stability, drainage provision and avoiding undue noise during construction could all be adequately addressed through detailed design and site management, just a little more readily with the somewhat lower pressure on space that would result from not more than 24 dwellings. There is no evidence of likely archaeological remains, which surely would have been at least considered during the Village Study.

Overall Conclusions

131. My overall conclusions are first that whereas the site is ideally placed to provide for local housing needs, Bride is not a particularly suitable location to provide for wider housing needs. That is to say, the remote location and lack of services make it undesirable, and contrary to strategic planning aims, to steer people to live in the village who would not otherwise choose to do so. Conversely, there is plainly a pressing need for new affordable housing and even if not well located this Government owned site does offer a pragmatic and essentially assured way of helping to meet that need without undue delay. Behind the affordable housing statistics are real families with real needs. Privately owned land in the North already zoned for housing is better located – that is why it was zoned – but there is no evidence that it will be brought forward soon or in sufficient quantity to meet affordable housing needs through the Housing Policy 5 mechanism.
132. This being so it is of course tempting to maximise affordable provision on the site, however in my view this has been taken a little too far in seeking up to 27 dwellings. This would lead to too many compromises regarding dwelling and plot sizes, the provision of open space, retention of an acceptable tree belt, an intrusive access on Lambhill Road for just 3 dwellings and above all in the general character and visual impact on the village.

133. However, subject to these various considerations, and regard to reducing energy consumption, I consider that a scheme of not more than 24 dwellings could be implemented here according with all the relevant criteria listed in General Policy 2.

Recommendations

134. I recommend that the Draft Order be modified as follows:

In Condition 5 by:

deleting "no more than 27" and substituting "no more than 24".

In Condition 6 by:

deleting 6 a) regarding access from Lambhill Road;

redrafting 6 b) to replace 6 a) and to refer only to the A16 (car park) access; and

deleting 6 d) regarding visibility splays required on Lambhill Road.

In Condition 7 by:

In 7 a) adding "and Lambhill Road" after the requirement for a pedestrian access on Ballakillee Hill;

in 7 b) deleting 5 b) and substituting 6 a)¹⁰;

adding 7 e): there must be provided open space in accordance with The Isle of Man Strategic Plan Appendix 6;

adding 7 f): there must be provided car parking provision in accordance with The Isle of Man Strategic Plan Appendix 7;

adding 7 g): a tree belt typically not less than 10 metres deep shall be retained along the southern boundary of the site.

Insert a new Condition 9:

An application for the approval of details must include an Energy Impact Assessment, as defined in Appendix 1 of The Isle of Man Strategic Plan, including proposals for reducing the development's energy consumption and improving its energy efficiency.

Conditions 9 and 10: renumber accordingly.

Footnote 5: delete the Government Circular references to the extent that these have been superseded, substitute the most up to date Circular references and add "or any modification or replacement thereto"

135. Subject to these changes, I recommend that the Draft Order be approved.



Alan Langton

DipTP CEng MRTPI MICE MCIHT

Independent Inspector

¹⁰ This is partly a correction and partly consequential to the preceding changes to Condition 6

Inquiry Participants

For the Department of Infrastructure

Mr Michael Gallagher
BA (Hons) DMS MRTPI
He gave evidence and called

Director of Planning
& Building Control

Planning & Building Control: Department of
Infrastructure

Mr Phil Halliwell
BA BArch RIBA

Architect

Housing Division: Department of Social Care

Mr Denis Sewell
BE CILT

Traffic Engineer

Highways Division: Department of
Infrastructure
(The written proof of evidence had been
prepared by Ms Hazel Fletcher (Traffic
Engineer) but Mr Sewell confirmed that he
agreed with it and presented it accordingly.)

Supporting the Order with Reservations

Mr Eddie Teare¹¹ ACIB

Minister for Education
Candidate Member of the House of Keys for Ayre

Mr Dennis Duggan CP

Church Steward, Bride Methodist Chapel

Mr Ian Bleasdale
MRICS DipTP DipLi

Planning Consultant

Mr John Edwin BSc(Hons) I Eng
MIET FISTIC Tech IOSH Maps

Bride Resident

Mr L N Cussons

Bride Resident

Opposed to the Order

Mrs Emma Coren¹²

Former Bride Resident

¹¹ As at the date of the inquiry during the election period Mr Teare confirmed that he was not an MHK

¹² Mrs Coren advised that she was born and brought up in Bride but had moved away the previous year

Inquiry Documents

Statements and submissions from named individuals are as submitted and do not include concessions or additional points that may have been made orally at the inquiry.

1. Draft Order
2. DoI Background Statement
3. Individual Responses to Public Consultation:
 - Ian K Bleasdale
 - Emma Coren
 - Eddie Teare
 - Denis Duggan
 - Bride Commissioners
4. Summary of Responses to Public Consultation
5. Inquiry Notifications
6. Public Inquiry News Release
7. Chief Secretary's Public Notice of the Inquiry
8. Further Responses:
 - John N T Edwin
 - L N Cussons
 - Ian K Bleasdale
 - Eddie Teare
9. Inspector's Pre Inquiry Note
10. Mr Gallagher's Statement and Appendices:
 - A. Further copy of the Draft Order
 - B. Further copy of Summary of Responses to Public Consultation and the individual responses
 - C. Extract from Isle of Man Landscape Character Assessment (2008)
 - D. Draft Planning Policy Statement 2/09: The Role of Landscape Character in Development
 - E. Letter from the Department of Education and Children (9 August 2011)
 - F. Planning Circular 14/91: Bride Village Study (1991)
11. Mr Halliwell's Statement and Appendix
 - A. Public Sector Affordable and First Time Buyer Homes completed in the North since 2001
12. Ms Fletcher's Statement (presented by Mr Sewell) and Appendices:
 - A. Policy Relating to the Hierarchy of the Island's Road Network
 - B. Bride Traffic Survey (2006)
13. Mrs Coren's Statement and Appendices:
 1. Correspondence with DoI
 2. Tynwald Statement 21 June 2011
 3. Public Inquiry News Release 20 July 2011
 4. Extract from Cooil Road Development Order Inspector's Report
 5. Further copy of Background Statement
 6. Extract from Strategic Plan 2007
 7. Ditto
 8. Emails confirming status of Planning Circular 14/91: The Bride Village Study
 9. Circular 14/91 (by reference only)
 10. Extract from Strategic Plan 2007
14. OS Based Plan of Bride

15. The Isle of Man Development Plan 1982
16. The Isle of Man Strategic Plan 2007
17. Government Circulars 25/07, 66/07 & 24/11: The House Purchase Assistance Scheme (as amended)
18. Extracts from DoI Residential Land Availability Review January 2010
19. DSC Housing Policy Review Progress Report October 2010
20. Planning Circular 10/91 Appendix 8: Estimates of population potential in relation to residential land availability
21. Policy Regarding Access to the Highway (2004)
22. Manx Roads: A Guide to the Design of Residential Roads, Footpaths, Parking and Services (1993)
23. Isle of Man Bus Timetables (April 2011)