

The Department of Infrastructure

The Town and Country Planning Act 1999

Proposed Development Order – Ballakilley, Bride

Explanatory Statement

The Department of Infrastructure is proposing to make an Order under section 8 of the Town and Country Planning Act 1999. The effect of this Order would be to grant Approval in Principle for the residential development of approximately 1.2 ha of land which lies between Ballakilley Hill and the Lambhill Road in Bride Village.

This explanatory statement accompanies the consultation period of 21 days on which written representations are invited on the revised Draft Order, which was published on 16th February 2012

Copies of the draft Order and an Explanatory Statement are available from the Department's Office (address below) or website <http://www.gov.im/transport/planning/plan/ballakilley.xml>.

Any person wishing to make representations in respect of the proposed Order may do so in writing to the Department at the following address:

Proposed Development Order – Ballakilley, Bride
Department of Infrastructure
Murray House
Mount Havelock
Douglas
Isle of Man

Or electronically to planningpolicy.DOI@gov.im

Representations must be received no later than 9th March 2012, and will be available for public inspection.

The purpose of the Explanatory Statement is to outline the process and the modifications to the draft Order (along with internal feedback from Officers in the Department of Infrastructure and the Department of Social Care).

Background

In early 2011, a Draft Development Order for a proposed housing site in Bride Village was issued for public consultation. Following representations, a Public Inquiry into the Draft Order was held in September 2011, and an independent Planning Inspectors report was received in October 2011. The Inspector has recommended approval of the Order, subject to some changes as outlined in his report.

Procedure for Taking Forward Work on the Order

There is no prescribed process for preparing and approving Development Orders in the legislation. Therefore, the Department has decided to proceed as set out below:

1. The Inspector's Report was published in November 2011
2. Officers have considered the Report and the Minister has decided to proceed with making the Order.
3. The Order has now been amended and redrafted in light of the Inspector's Report and internal feedback from Officers in the Department of Infrastructure and Department of Social Care.
4. The redrafted version of the Order has been approved by the Department as the basis for a period of 21 days further consultation.
5. Subsequently, a notice was published in February 2012, identifying that a revised draft Order had been published for consultation and allowing 21 days for written representations to be made regarding the modifications.

The above steps have already been completed and the work on the order will then be progressed as follows:-

6. The decision to adopt the revised draft Order will then be taken following consideration of the written representations.
7. The Department will then make the Order and lay it before / seek the approval of Tynwald.

Proposed Changes to the Order

The Inspector in his Report recommended a number of changes to the conditions attached to the proposed Order:

- Conditions 5 & 6 - reduction in the proposed number of dwellings from 27 to 24 dwellings by removing the 3 dwellings that were originally envisaged being accessed via Lambhill Road. There are consequential changes reflecting that there will no longer be any access from Lambhill Road to the site.
- Condition 7 – additional requirement inserted to provide a pedestrian link to Lambhill Road. Additional clauses were also inserted to provide clarification that the open space is provided in accordance with the Isle of Man Strategic Plan Appendix 6; and car parking provision must be in accordance with the Isle of Man Strategic Plan Appendix 7.
- Insertion of a new condition 9 – requiring an application for the approval of detailed development proposals 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.

The Department has accepted these recommendations and revised the Order accordingly.

In addition, the Inspector also recommended that an additional clause be added to condition 7 which stated:

"a tree belt typically not less than 10 metres deep shall be retained along the southern boundary of the site."

Whilst the importance of retaining as much of the existing tree belt is accepted, after further dialogue with Officers of the Department of Social Care, it is felt that the wording of this condition is too inflexible. As worded it does not reflect the practicalities and constraints of designing and constructing a housing scheme without having to encroach into the fringes of the tree belt. Therefore, a revised wording is proposed (changes underlined):

"a tree belt 10 metres deep shall be provided along the southern boundary of the site, and no trees shall be removed unless written approval has been received from the Planning Authority (in consultation with DEFA)."

Additionally, the Department of Infrastructure Highways Officers are suggesting a further refinement to clause b of condition 7 by inserting words to maximise the number of spaces provided in the residual parts of the public car park. This additional change is felt by officers to better reflect the sentiments expressed in the conclusions within paragraph 118 of the Inspectors Report. The suggested wording for this condition is as follows (new additional text is underlined):

"there must be included a scheme of environmental improvement to the residual parts of the public car-park in order to maximise the number of spaces, access to which must be from the new road referred to in 6(a) above;"