

AREA PLAN FOR THE EAST – QUESTION FOR ATTORNEY GENERAL’S CHAMBERS

Background

- 1 Section 2(4) of the Town and Country Planning Act 1999 states that ‘the proposals in an Area Plan shall be in general conformity with the Strategic Plan’.
- 2 Housing Policy 1 of the Isle of Man Strategic Plan 2016 indicates a need for 5,100 additional dwellings to be provided on the Island between 2011 and 2026. This figure was derived from a population projection, based on the 2011 Census, which assumed that there would be a net inward migration of 500 people per annum throughout the 15-year period covered by the Strategic Plan. That projection showed an increase in the Island’s resident population from about 84,500 in 2011, to about 87,600 in 2016, and to about 91,900 in 2026. Housing Policy 3 of the Strategic Plan indicates that 2,440 of the 5,100 additional dwellings required should be provided in the East.
- 3 The results of the 2016 Census became available after the adoption of the Strategic Plan. They showed that the Island’s resident population had fallen from about 84,500 in 2011, to about 83,300 in 2016; and that mean net inward migration during this period was substantially below 500 people per annum. In February 2018, the Cabinet Office published fresh population projections based on the results of the 2016 Census, in a document entitled ‘Meeting Our Population Challenges’. These suggested that, by 2026, the Island’s resident population could increase to about 87,400, assuming mean net inward migration of 500 people per annum from 2016 onwards.
- 4 The Cabinet Office has produced an evidence paper on household size and population projections (DP EP5) in support of the draft Area Plan for the East. This was updated in June 2019. The updated paper estimates that, on the basis of the latest projection, the need for additional housing in the East between 2011 and 2026 would be 1,378 residential units (Updated DP EP5, Section 8.0 vii).
- 5 Paragraph 8.4.9 of the Strategic Plan indicates that the planning authority is committed to an approach of ‘Plan, Monitor and Manage’. This approach accepts that the ‘monitoring of housing and population statistics over time may require corresponding changes to be made in the provision of new housing land’. ‘Plan, Monitor and Manage’ is defined in Appendix 1 of the Strategic Plan. The definition indicates that it is ‘a broad approach ... to determining the amount of land needed to be allocated for housing in Area Plans’; and involves ‘managing ... the release of land for development ... to avoid either under or over provision’.
- 6 The draft Area Plan makes provision for there to be a net increase of more than 2,400 dwellings in the East between 2011 and 2016, in accordance with Housing Policy 3 of the Strategic Plan. However, a number of people object to this, seeking a reduction in the provision of new housing, commensurate with the latest projection of need.

Legal matter

- 7 The following question arises. If the Area Plan for the East were to make provision for substantially fewer than the 2,440 additional dwellings specified in Housing Policy 3 of the Strategic Plan, could it be held to be out of general conformity with the Strategic Plan, in contravention of section 2(4) of the 1999 Act.

- 8 My preliminary view is that, for the purposes of section 2(4) of the Act, the Strategic Plan must be considered as a whole; that Housing Policy 3 is qualified by paragraph 8.4.9; that the Strategic Plan therefore provides for the allocation of land for residential development in the Area Plan to be tailored to reflect changing demographic circumstances; and that provision in the Area Plan for significantly fewer than 2,440 additional dwellings (in line with the Cabinet Office's current projection of housing need) would not contravene section 2(4) of the Act.
- 9 I would be grateful to receive counsel's opinion on this matter.

Michael Hurley
Inspector
26 July 2019