



Cabinet Office

Oik Coonceil ny Shirveishee

Dr Megan Mathias MBE
Chief Operating Officer for the Cabinet Office

Planning Policy

Cabinet Office
3rd Floor Government Office
DOUGLAS
Isle of Man
IM1 3PN

Tel: (01624) 686758
Email: northandwest@gov.im

15 April 2024

To the Programme Officer,

Re: Response to Document INSP.1 – INITIAL NOTE AND QUESTIONS – From the Appointed Inspector

This document represents the Cabinet Office - Planning Policy team's - response to the appointed Inspector's queries/questions set out in INSP.1. It has been compiled following the format of the question paper and it is understood that it will be forwarded to the Inspector and published on the Inquiry web page. The numbering below relates to the specific actions for Planning Policy (1, 4, 6 to 9) and is followed by the answers to the detailed questions (Q1 to Q12).

Specific Actions

1

CABO will provide as an Inquiry document a copy of the ruling/resolution that the APNW is legally required to be prepared and subject to Inquiry to the current timescale.

Cabinet Office does not intend to share the Attorney General's advice provided to Council of Ministers regarding the Area Plan for the North and West and its progression to public inquiry. This advice is privileged. However, the Attorney General has been approached to give further comment on the matter and the Inspector will be advised in due course.

4

The Inspector will be provided with names and addresses of 'ANON' respondents.

Planning Policy has provided this information to the Inspector.

6

Re Document PIP 1: the Main Changes (MCs) and minor changes (mcs) will be numbered separately and PIP 1 re-issued in that form.

Planning Policy has re-issued the Schedule of Changes PIP1 as per the request

7

Re Document PIP 5: the List of Sites will be split into Allocated and Unallocated sites and PIP 5 re-issued in that form.

Planning Policy has prepared a revised list for use by the Inspector and provided this to the Programme Officers to share with the Inspector.

8

Policy Team will provide names of their advocate and witnesses with qualifications and job titles for inclusion in the published Guidance Notes.

Planning Policy has instructed Mr Keiron Murray, Advocate, of Innova Law (an Isle of Man based practice), to provide support during the Inquiry process. A number of witnesses may speak on behalf of Cabinet Office. My qualifications are set out first.

Diane Brown BSc (Hons) MRTPI, Head of Planning Policy, Cabinet Office. I am a Chartered Town Planner and hold the following qualifications: a Masters Degree (Distinction) in Town and Country Planning from the University of Manchester (1996) and an Upper Second Class Degree in Geography from the University of Huddersfield (1993). I have been employed by the Public Services Commission (and its functional predecessors) since 1st June 1998 working first in development management (planning applications), before moving into planning policy in 2005.

Ethan Grubb Bsc (Hons) AssocRTPI, Senior Planning Policy Officer, Cabinet Office. My qualifications are a HND in Construction and the Built Environment from the University College Isle of Man and a Bsc (Hons) in Building Surveying from Liverpool John Moores University, graduating in 2014. I have been employed in Cabinet Office in the role of Planning Officer/Senior Planner since September 2017.

Christopher Long

Planning Policy Officer, Cabinet Office. My qualifications include a BA (Hons) in Archaeology (Upper Second Class Honours) and an MSc (Hons) (Distinction) in Urban Planning from Newcastle University. I have been employed by the Cabinet Office since October 2020 and in my current role of Planning Policy Officer since March 2023.

Fiona Huyton MRTPI

I am a Chartered Town Planner and Chartered Landscape Architect and hold the following relevant qualifications: a Post Graduate Diploma in Urban Design from Birmingham City University (2011), a Post Graduate Diploma in Landscape Architecture from the University of Gloucestershire (2005), and an Upper Second Class Degree in Fine Art from the University of Leeds (1997).

I worked in private consultancy from 2005 to 2008 – developing a specialism in landscape and visual impact assessments (Wardell Armstrong (2005 – 2007)) and urban design within the context of regeneration (Planit-ie Ltd (2007 – 2008)). In 2008 I moved to the public sector as an urban designer working within Development Management (Stoke-on-Trent City Council (2008 – 2013)). I moved to Cheshire West and Chester as an urban designer and landscape architect – supporting Planning Policy and Development Management in the delivery of planning related work, and supporting Chester Renaissance in the design and delivery of regeneration projects in Chester and Ellesmere Port. I moved to Cabinet Office in November 2019 – as a policy officer.

Supporting team members

Betty Laurincova

Planning Policy Officer, Master's degree in Architecture and Urban Planning (2014) from Slovak University of Technology. I have been since working in private architectural and urban

consultancy practices in Slovakia and Sweden. I joined the Cabinet Office Planning Policy team in March 2024 after 4 years of free-lance urban design consultancy on the Isle of Man. I hold various professional diplomas in UX design, Graphic Facilitation, Civic Ecology and Smart Cities etc.

John Durney

Planning Policy Assistant, Cabinet Office. My qualification is a First Class Honours degree in Geography from Edge Hill University, graduating in July 2023. I have been employed in Cabinet Office in the role of Planning Policy Assistant since October 2023.

Other witnesses

Cabinet Office may call other witnesses including witnesses from other Departments. Details will be provided in due course once the programme is finalised.

9

Policy Team will arrange formal public notification for the Inquiry (16 July 24).

A Public Notice was placed in the Courier newspaper on 22nd March 2024. A further public notice is to be placed in the Courier on 19th April 2024.

Detailed Questions

Q1 Preface, –Paragraphs 1.3.2, 5.2.1 and 1.7.2

i. Should Preface #3 refer to replacing all AREA plans?

Response: The Area Plan for the North and West once approved will replace all existing statutory development plans in the plan area with the exception of the Isle of Man Strategic Plan 2016.

ii. Will the ongoing legal and policy updates and changes to Manx strategic planning inevitably influence this Inquiry and require some elements 'future-proofing'?

Response: The Area Plan for the North and West has been prepared to be in general conformity with the Isle of Man Strategic Plan 2016 as required by the Town and Country Planning Act 1999 s. 2(4). The context for the plan's preparation up until this point has been Our Island Plan: Incorporating the delivery of the Economic Strategy (GD 2022/0095), ongoing work to amend the Town and Country Planning Act and the Climate Change Act. Other strategies and policy across Government have relevance and appear on the Core Documents List including the Preliminary Publicity for the Strategic Plan. The implications for the North and West Plan depends on the particular issue. The Draft Plan has considered potential future changes in Strategic Policy to provide a plan with sufficient flexibility in delivering Government's ambitions as a whole. For instance, in working out site yields for housing account has been taken of likely Climate Change requirements for biodiversity net gain to ensure a realistic set of figures for housing numbers on proposed sites. The current strategic policy is for 'no net loss in biodiversity' but will inevitably change to biodiversity net gain.

iii. What would be the implications for decision making post 2026 if the APNW became non-compliant with a new strategic plan and Island Spatial Strategy or All-Island Area Plan?

Response: The TCPA 1999 s.2(4) states that "The proposals of an area plan shall be in general conformity with the strategic plan; but in case of any inconsistency between the provisions of the strategic plan and the provisions of an area plan, whichever came into force later shall prevail."

Decisions would consider whether the particular issue and the nature of the 'non-compliance' to assess the material weight to be attached. There will be no conflict with the All-Island Area Plan as when that is approved it will replace the Area Plan for the North and West (as well as the East and South Area Plans).

iv. Is the date of 2026 in #1.3.2 for the All-Island AP still realistic and valid?

Response: It is more realistic to state that the All-Island Area Plan will start in 2026 and come into operation in 2027. The updated Strategic Plan will be approved first.

v. Is #1.7.2 sufficiently clear and does the APNW overall explain the plan period and lifetime difference appropriately so as to avoid confusion over its status and planning weight at any given time?

Response: The Public Inquiry Papers including the illustrative Written Statement (PIP 2) do not include all date/reference changes that will be needed in the final Plan (please see 'References and Notes' at the start of PIP 2). For instance, that last sentence of 1.7.2 refers to the plan period for the strategic plan "looking ahead to 2036" – this will need to be revisited before the next iteration of the plan is published as a final decision is yet to be made and will in all likelihood change. Planning Policy is content that Paragraph 1.7.2 adequately explains that the Area Plan will remain valid beyond the plan period until it is replaced.

Q2 –Paragraph 1.2.2

i. Is the term 'Proposal' synonymous with 'Policy' (in terms of planning weight)?

Response – Proposals are the implementation of Policies at an area specific level and are synonymous in terms of planning weight. Cabinet Office has taken care not to include proposals that could otherwise be considered a policy and reserved these matters for future consideration in the Strategic Plan review.

Q3 –Paragraph 1.4.1

i. How will priority be determined when overlapping area plans are in conflict?

Response - There is no overlap between the Area Plan Boundaries but there are cross boundary issues. In terms of particular issues:

- Housing, Economy and the Spatial Strategy - The Area Plan for the South was prepared in line with the Isle of Man Strategic Plan 2007. The Plan for the East was prepared in line with the Isle of Man Strategic Plan 2016. The changes made in relation to the 2016 Plan compared to

2007 Plan related only to housing numbers. Added flexibility was built into those plans through the use of the Strategic Reserve Sites; the release of such remains untested. The North and West Plan does not rely on Strategic Reserves.

- Local Authority Boundaries have changed with the amalgamation of Laxey, Lonan and Maughold into the Garff Parish Commissioners. The Area Plan for the East is relevant to the Laxey and Lonan Wards. The Commissioners have been engaged throughout the plan development process and understand that there will be two development plans in their Local Authority Area.
- Landscape – landscape character clearly crosses administrative and plan boundaries. The Plan Proposals and the Site Assessment Reports have taken account of this and any potential cross over with other Plans.
- Infrastructure – Sewage & Drainage. The North and West broadly speaking has individual catchment areas, these being: Booilushag, Bride, Corony, Dalby, Glen Maye, Glen Mona, Jurby, Kirk Michael, Maughold, Patrick, Port Lewaigue, Andreas & Ramsey and Peel all falling within the plan area and do not impact in capacity in adjacent catchments. Manx Utilities have advised on capacity within the existing catchments with none of the proposals exceeding this save for the requirement for a new regional sewage treatment works in Peel which is covered within the development brief of those proposals.
- Infrastructure – Gas Pipeline – Glen Moore is where the Island’s gas supply makes land fall and is then distributed north bound to Ramsey and south to Peel along an intermediate pressure gas pipeline. A High Pressure Gas Pipeline leaves Glen Moore, traversing the Island to Douglas. None of the pipelines traverse any of the proposed development sites within the Plan or impact on settlements outside of the plan area.

Q4 –Paragraph 1.7.3

- i. Is omitting to allocate any strategic reserve sites in contradiction with the statement in #1.7.2 that the APNW will be effective beyond 2026?**

Response – The use of Strategic Reserves is one way of securing an adequate supply of housing. The Strategic Plan in Chapter 13 supports the plan monitor and manage approach a key element of which is phasing. Phasing can include strategic reserves; they are not essential. While the Area Plan for the South and East both include Strategic Reserves and comprehensive release mechanisms, Cabinet Office judged that Development Briefs would be sufficient to manage the release of sites in the North and West. There are also no examples of the release mechanism being tested which would have been helpful to measure what was effective and what was not. Proposal sites such as GMR008 GMR009 & GMR023 on the edge of Peel are proposed to be phased as stated in their development briefs with development being conditional on infrastructure being in place for example, until such time as the Regional Sewage Treatment Work is operational (expected in 2026).

Q5 –Paragraph 1.8.2

- i. Is this clear and correct in implying that the 1982 DPO is only now the development plan in the north and west and that local plans are not part of the development plan; that is given the 1982 DPO is frequently relied upon in applications and appeals Island-wide (eg to define designations such as Areas of High Landscape Value)?**

Response – Cabinet Office consider this paragraph to be accurate but would be open to adding points of clarification if considered appropriate. The statutory plans that remain operational in the North and West are set out in paragraph 1.8.4. In terms of ‘Areas of High Landscape or Coastal Value and Scenic Significance’, this terms is relevant to the 1982 Development Plan

only but the Local Plans may have transferred references to High Landscape Value over the the Local Plans when produced. Neither the Area Plan for the South nor the East refer to Areas of High Landscape or Coastal Value and Scenic Significance. Whether the previous notation is still taken into account in determining applications in the South and East is a matter for DEFA.

Q6 –Paragraph 2.8.2

- i. **Will development briefs in practice be evolved via the Inquiry by way of the CABO Proposed Changes?**

Response – Cabinet Office has proposed changes and additions to the development briefs but would welcome further discussion and recommendations on these points as part of the Inquiry process.

Q7 –Paragraph 5.1.1

- i. **Will the spatial strategy and vision in practice be evolved via the Inquiry by way of the CABO Proposed Changes?**

Response – The spatial strategy has evolved as part of the proposed changes. Additional sites have been proposed – some in smaller settlements - as they can deliver the housing and employment opportunities needed. Sensible and practical recommendations have been made based on overall deliverability within the plan period and beyond. Within the proposed changes, there continues to be limited development opportunities in Bride, Dalby and Glen Maye while Sulby, Ballaugh and Glen Mona could accommodate modest growth in keeping with their scale.

Q8–Paragraph 8.14

- i. **Urban Environment Recommendations - Are such recommendations inappropriately reliant upon agencies external to planning?**

Response – Urban Environment Recommendation 1 highlights the importance Cabinet Office places on realising quality places and effective joint working. There are a number of agencies involved in working in our urban environments. For instance, outside of the development plan process the Infrastructure Grant Scheme administered by the Department for Enterprise is for Unoccupied Urban Sites – the Register of sites is prepared by Cabinet Office. The Manx Development Corporation is an arm’s length delivery agent which was set up on the back of the Motion to approve the Area Plan for the East.

Q9 –Paragraph 8.15

- i. Is reliance upon a future feasibility study for CTAs appropriate, given the implications for the effectiveness of this element of the Plan if it has not been produced to inform a future decision – ie reliance upon external SPD that does not yet exist?

Response – Cabinet Office is preparing the first iteration of the Feasibility Study and Treatment Plan for Ramsey and will submit this to the Inquiry as one of its Position Statements. Further input is welcomed at Inquiry stage. The advancement of the CTA work will be ahead of adoption of the Plan unlike the situation for the East which came within 12 months of the adoption of the Plan.

Q10 –Paragraph 8.17

- i. Should this narrative on heritage lead to a specific Proposal (policy)?

Response – This section acknowledges the importance of built heritage and reaffirms the existing Strategic Policy 5 of the Isle of Man Strategic Plan but does not implement any area specific proposal. The Planning Policy Team will consider the merits of putting forward a specific Proposal and confirm as final position as part of its Position Statements.

Q11 -Housing general

- i. How was the spatial strategy applied in site selection? and How was the viability of the 30% affordable contribution justified? and How does the housing supply go beyond the strategic requirement of 1540 when even proposed changes indicate a deficiency of one unit, even before tested on the evidence? and Given both the potential to extend the life of the APNW beyond 2026 and the broad Government imperative to enlarge the Island population, how is the lack of any reserves or supply headroom justified?

Response – The overall spatial distribution calculations as prepared for the Strategic Plan are based on the Residential Land Availability Study and the location of those developments from 2001 noted by the classification of settlements in the hierarchy. The average is then taken and a total sum given for each region based on which settlements are within that area. The table of calculation is appended to this response. For the purposes of the Area Plan, the spatial strategy figure of 770 for the North and 770 for the west has been treated as one area. Allocations broadly follow the prescribed pattern save for three of the more remote villages and where developments have now been approved through the planning application process.

25% affordable housing of the 395 potential delivery is indicative only. It is known that developments often do not deliver the full 25% set out in Housing Policy 5 and commuted sums paid or a much lower percentage achieved. The negotiation of Affordable Housing is carried out by the Department of Infrastructure. The prescribed amount set out in the Strategic Plan remains policy until reviewed.

The quantum of housing units has been pro-rata'd for the plan period for 21 months, the expected time that the Plan will be enforce up to the end of the plan period in March 2026 thus satisfying the conditions of Housing Policy 1. Proposals within this plan will continue to deliver, particularly those larger sites that are dependent on other aspects coming forward or by phasing within the development briefs. The Strategic Reserve Release Mechanism was subject to much debate in the final stages of the Area Plan for the East; it was a conscious decision by the Department not to rely on this for phasing purposes but rather rely on development briefs.

Q12 - Representations

- i. Finally, please advise if you have available Excel or other databases of representations by Policy/Site and by Respondent, as an aid to communication by the PO and preparation by the Inspector.

Response – The programme Officer has been provided with an excel document of responses and PDF copies of the individual responses to share with the Inspector.

Other Matters

Additional Sites: The Call for Sites for the North and West closed on the 28th February 2020 and those sites were consulted on between 16th April to the 25th of June 2021, but media coverage was predominantly about the Area Plan for the East debate, approval and other global issues, as a result numerous other sites came forward in response to this consultation. To give the Public adequate time

to consider all the proposals now being considered, these sites were then further consulted and labelled as 'Additional Sites' to highlight to the public which were new to them prior to the preparation of the Draft Plan. All sites that have been proposed within the draft plan have received adequate publicity prior to their inclusion.

Draft Plan v Proposed Changes residential site allocations: Sites not allocated in the Draft Plan are highlighted in red in table 16 of the Written Statement, these are:

- RR006
- RR007
- PR001
- GMR008 GMR009 & GMR023
- AR004
- MR007
- MR008
- PTR004(b)
- LR040
- LR017
- LR027
- GMR006
- GR021
- GR022

Site Codes

A – Andreas

BD – Bride

B – Ballaugh

G – Garff

GM- German

J – Jurby

L – Lezayre

M- Michael

PT- Patrick

P – Peel

R- Ramsey

R- Residential

M-Mixed Use

E – Employment

O- Open Space

C – Civic Cultural or Other Uses.

I trust the above is sufficient to answer the questions presented to the Cabinet Office but should any further queries arise we would be more than happy to clarify on any of the above points.

Yours sincerely,



Mrs Diane Brown MRTPI
Head of Planning Policy

Settlement Hierarchy	Area	Identified Settlement	Planning approvals for new dwellings broken down by settlement (update 7)	Planning approvals for new dwellings broken down by settlement (update 11)	How figures are split across settlements where local authorities areas contain more than 1 identified settlement
			2001-2014	2001-2018	
Main Centre	East	Douglas	1832	1918	
	Total		1832 (31% of total)	1918 (29% of total)	
Service Centres	West	Peel	870	1137	
	North	Ramsey	714	916	
	South	Port Erin	366	363	
	South	Castletown	311	346	
	East	Onchan	247	251	
	Total		2508 (43% of total)	3013 (45% of total)	
Service Villages	North	Jurby	37	34	
	North	Andreas	108	107	
	South	Port St Mary	165	161	
	South	Ballasalla	99	132	
	East	Union Mills	175	197	Braddan - Figure split proportionally with Strang
	East	Laxey	51	37	
	West	Kirk Michael	78	92	Michael
	West	St Johns	30	35	German
	West	Foxdale	91	135	Patrick - Figure split proportionally with Glen Maye and Dalby
	Total		834 (15% of total)	930 (14% of total)	
Villages	North	Bride	38	42	
	North	Sulby	71	80	Lezayre
	North	Glen Mona	23	25	Maughold
	North	Ballaugh	28	26	
	South	Colby	80	102	Arbory - Figure split proportionally with Ballabeg
	South	Ballabeg	20	26	Arbory - Figure split proportionally with Colby
	South	Ballafesson	56	81	Rushen
	East	Baldrine	104	142	Lonan
	East	Crosby	51	75	Marown - Figure split with Glen Vine
	East	Glen Vine	52	75	Marown - Figure split with Crosby
	East	Newtown	11	18	Santon
	East	Strang	90	102	Braddan - Figure split proportionally with Union Mills
	West	Glen Maye	33	35	Patrick - Figure split proportionally with Foxdale and Dalby
	West	Dalby	6	15	Patrick - Figure split proportionally with Glen Maye and Foxdale
Total		663 (11% of total)	844 (12% of total)		
Island total by settlement			5837	6705	

Settlement Type	Breakdown across settlement type	Total	Split across settlements in same category	Allocation for settlement type
Main Centre (1)	29% of 5,080 =	1473	÷ 1 =	1473
Service Centres (5)	45% of 5,080 =	2286	÷ 5 =	457
Service Villages (9)	14% of 5,080 =	711	÷ 9 =	79
Villages (14)	12% of 5,080 =	610	÷ 14 =	44
North	1 Service Centre	457		
	2 Service Villages	158		
	4 Villages	174		
Total		789	<i>Rounded up =</i>	790
South	2 Service Centres	914		
	2 Service Villages	158		
	3 Villages	131		
Total		1203	<i>Rounded up =</i>	1210
	1 Main Centre	1473		
East	1 Service Centre	457		
	2 Service Villages	158		
	5 Villages	218		
Total		2306	<i>Rounded up =</i>	2310
	1 Service Centre	457		
West	3 Service Village	237		
	2 Village	87		
Total		781	<i>Rounded up =</i>	790
Total		5079		5100

Distribution based on RLAS Update 6 (figures used in Draft Strategic Plan 2015)	Distribution based on RLAS Update 7	Distribution based on RLAS Update 11
North 770	770	790
South 1120	1170	1210
East 2440	2390	2310
West 770	780	790
Total 5100	5110	5100