



Isle of Man
Government

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Cabinet Office



The Draft Area Plan for the East

Modifications to the Draft Plan following the Public
Inquiry

Paper 5: Recommendations in the Inspector's Report which
Cabinet Office proposes to reject or amend

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1 Recommendations which Cabinet Office proposed to reject or amend

1.1 Introduction

- 1.1.1 The majority of the Inspector's Recommendations set out in his Report dated 25th November 2019 have been accepted and have in turn been identified as specific 'modifications'. Paper 4 sets out a comprehensive breakdown of the Inspector's recommendations, with each recommendation receiving a reference number.
- 1.1.2 This Paper highlights four recommendations which are not accepted in the form drafted by the Inspector, and sets out, in each case a reasoned justification for such action.

2 Recommendations

2.1 Recommendation 5 Paragraph 30 in the Inspector's Report

- 2.1.1 "I recommend that consideration be given to the designation, in the Area Plan, of Areas of High Landscape Value, with precise and justified boundaries. Environment Policy 2 of the Strategic Plan would continue to apply within such areas."

2.2 Cabinet Office Response

- 2.2.1 Environment Policy 2 (EP 2) as set out in the Isle of Man Strategic Plan 2016, describes the intention to replace the Areas of High Landscape Value and Coastal and Scenic Significance with a new landscape classification system.
- 2.2.2 Policy EP2 first appeared in the Isle of Man Strategic Plan 2007 and was carried forward to the Strategic Plan 2016. EP2 was drafted taking into account the work being undertaken on landscape and in 2008, the Landscape Character Assessment for the Isle of Man was published. To date, the system of using overall strategies for landscape that identify landscape areas, types and key views has only been formally introduced in the south via the Area Plan for the South. The approval of the South Plan removed all references to the map based hatching shown originally on the 1982 Plan (1:25,000), and in subsequent local plans.
- 2.2.3 The Department has thought carefully about the wording of the Inspector's recommendation and proposes not to take it forward.

2.3 Reasons for not agreeing with Recommendation 5

2.3.1 There are a number of statutory plans currently in operation in the East. The maps associated with these plans, which were produced at different times, all have slightly different interpretations of the AHLV&CSS (described below):

Plan	How 'High Landscape Areas' are shown
1982 Development Plan	Hatched area shown on a 1:25,000 Map with no precise or defined boundaries
Braddan Local Plan	no use of hatching
Laxey and Lonan Local Plan	Some hatched areas shown as Areas of High Landscape Value and Scenic Significance (AHLVSS) within the plan boundary i.e. on Maps 1 and 2. No reference to "coastal"
Onchan Local Plan	no use of hatching – maps use 'open space'
Douglas Local Plan	no use of hatching - but largely urban area

2.3.2 Cabinet Office has recognised that there is not a consistent approach across the extant operational plans in the East. Also, the mapping data needed to ensure that the edges or boundaries are 'precise', as described by the Inspector, (and by that, 'precise' is taken to mean physically relatable to the ground), is not available. The carrying out of work to enable precise and justified boundaries would require a specialist, comprehensive project, properly scoped and ideally undertaken at an Island-wide scale. Whilst such a project has value, to undertake it at this point in the plan process would cause undue delay to the East Plan being adopted and approved and brought into operation.

2.3.3 The Cabinet Office is content to rely on the approach of using Landscape Proposals based on the Landscape Character Assessment Report as set out in the Draft Plan and which was the system followed in the South.

- 2.3.4 The Department is, however, committed to research the impact of the removal of the AHLVCSS designation as a policy approach and equally the merits of the new system. It is proposed that once the Area Plan for the East is approved, the Department will review the need for an equivalent designation along the lines of the original AHLVCSS but with precise boundaries. The scope of the research may be widened to include historic landscape character. It is important to take account of the fact that Landscape value/importance cannot in all cases be defined at field boundary level. When talking of key landscape views, policy documents tend to be very descriptive. In the absence of evidence to even attempt precise and justified boundaries at this point in time, the CO proposes to rely on existing layers of protection offered by strategic and local level policy guidance
- 2.3.5 No Modifications are therefore associated with Recommendation 5. There will be no change to the draft written statement. Consequently, there will not be an opportunity to make representations.

2.4 Recommendation 16 - Paragraph 60 in the Inspector's Report

- 2.4.1 "I recommend that a bullet point be added to Transport Proposal 2 as follows: -
Improve the TT Access Road to provide for a traffic lane in either direction by 2022."

2.5 Cabinet Office Response and Proposed Modification

- 2.5.1 Government is committed to improving the ease with which all traffic can cross the TT Course during race periods. Cabinet Office is supportive of the Inspector's general intention to improve the flow of traffic.
- 2.5.2 Cabinet Office recognises however, that there are considerable implications for Government in making a commitment to deliver improvements by a certain date. The Recommendation as it stands calls for improvement to the existing TT Access Road only and limits that improvement to a lane in each direction. The feasibility of this was not discussed to any great extent at the Inquiry and places a precise time-limit by referring to 2022. If Tynwald approve the Area Plan for the East in July 2020, and assuming a target date for the road improvements by the end of 2022, this would allow around 2.5 years for design, planning, legal and funding arrangements to be worked through and work to be completed on site.
- 2.5.3 The Cabinet Office's view is that it would be more prudent to look at all of the alternatives/possibilities when it comes to improving access across the TT course for residents, businesses, commuters, spectators as well as emergency and public vehicles i.e. all road users. Government therefore should commit to ensuring the most appropriate solution. This is currently seen as an East issue but undoubtedly is of Island-wide importance. No development should be permitted which may have the potential to inhibit improvements to the existing or proper design of an additional/alternative scheme.
- 2.5.4 Modifications are proposed to the Plan based on Recommendation 16 but not as drafted in the Report. Transport Proposal 2 is proposed to be modified as follows:

Modification 64: Transport Proposal 2

The existing route of the TT Access Road and the ability for future improvements to aid traffic flow and highway operation (which may include provision for a traffic lane in either direction) shall be protected for its own sake. No development proposals will be approved which would hinder the ability to achieve two-way traffic flow.

Before the end of the plan period, a design scheme must be drawn up to scope out, design and engineer proposals to address the issue of how the existing TT Access Road could be improved and the feasibility of an additional/alternative 'TT Access Road' into and out of the course during Race periods.

Decision makers will have regard to – as a material consideration - the status of any scheme developed by the Department responsible for highway matters in respect of improvements and additional works to/alternatives for, the TT Access Road and the progression of that scheme.

Please refer to question 36 in the response form to make representations in respect of this Modification.

2.6 Recommendation 31 - Paragraph 141 in the Inspector's Report

2.6.1 "I recommend that a zone with a radius of 300m from the centre of the HWTF at Richmond Hill be shown as a Major Hazard Site, on the Infrastructure Constraints Map of the Area Plan (Map 1b).

2.7 Cabinet Office Response and Proposed Modification

2.7.1 The Cabinet Office agrees with the need to identify a 300m Buffer Zone from the centre of the HWTF at Richmond Hill. The Island has 13 Major Accident Hazard Sites and so as this area is not to fall within the same category, it is recommended that a different term should be used. To be in line with Environmental Policy 29, the buffer zone is to be shown as a 'Waste Infrastructure Consultation Zone', rather than a Major Hazard Site, to prevent confusion.

2.7.2 Modifications are proposed to the Plan based on Recommendation 31 but not as drafted in the Report. Recommendation 31 is proposed to be modified as follows:

Modification 37: Waste Infrastructure Consultation Zone

A zone with a radius of 300m from the centre of the HWTF at Richmond Hill be shown as a Waste Infrastructure Consultation Zone, on the Infrastructure Constraints Map of the Area Plan (Map 1b).

Please refer to Question 9 of the Response Form to make a representation in respect of this modification.

2.8 Recommendation 46 - Paragraph 223 of the Inspector's Report

2.8.1 "I recommend that paragraph 12.20.1 of the draft Area Plan be replaced by the following text:

A Strategic Reserve Site is land which may be suitable for residential development, but which will be held 'in reserve' until the need for such development has been established. Strategic Reserve Sites will not be released for development until the population of the Isle of Man exceeds 89,000. The identification of Reserve Sites in this Plan allows for flexibility in land supply, should it be found that additional land is necessary. This accords with the 'plan, monitor and manage' approach identified in the Isle of Man Strategic Plan; and is necessary to ensure that the Plan can react to changing circumstances. The status of Strategic Reserve Sites will be reconsidered when the development plan is next reviewed."

2.9 Cabinet Office Response

2.9.1 By choosing the criterion of a resident population of 89,000, the Inspector proposed a simple method that was easy to explain. He had used the data before him to establish a method. The Inspector set out an approach, having balanced the widely differing views of participants expressed in writing and in oral evidence, before reaching his conclusion.

2.9.2 Inspector Hurley demonstrated a full understanding of the arguments and assisted the process by making a clear recommendation for what the trigger mechanism should be. It is fair to say that there was minimal debate about the merits of having an Island resident population of 89,000 as a trigger, but there was an acknowledgement at the Inquiry by the Inspector that there needed to be one.

2.9.3 Occasionally, when an issue is complicated, getting to the answer may involve thinking through the implications of what the outcomes might be. Such a way of thinking has been adopted by the Department in its examination of Recommendation 46. It is however first worth examining the Inspector's approach to population and the data. In terms of these aspects, the Department accepts Recommendation 45, as set out in Paragraph Number 215 of the Inspector's Report (Modification 25).

2.10 Summary of the Inspector's views on Population and Housing Need

2.10.1 In his summary of his views on the evidence, the Inspector accepted that:

- i. The 2011 Census figure formed the basis of a population projection which informed the housing policy set out in the Strategic Plan 2016.

- ii. there was strong evidence that the projected population growth between 2011 and 2016, which helped inform the current Strategic Plan's housing policy, failed to materialise.
- iii. there were competing arguments about the accuracy of the 2016 Census
- iv. There was no evidence to suggest that there has been a housing shortage, sufficient to inhibit inward migration to the Isle of Man, at any time since 2011.
- v. it would be most unwise to rely on there being zero net inward migration to the Isle of Man over a sustained period.
- vi. Although the level of migration may be influenced by Government policy, more than half way through the plan period there is no clear evidence that the assumed level of net inward migration of 500 persons per annum is likely to be achieved in future.
- vii. the assumed rate of net inward migration is likely to have a more significant impact than changes in household size on housing need up to 2026.
- viii. in the light of the results of the 2016 Census and the subsequent population projections prepared by the Cabinet Office, the allocation and release of land to meet the requirement of Housing Policy 3 of the Strategic Plan would be likely to result in a serious over-provision of housing.
- ix. It is vital to manage release of sites.

2.10.2 As set out above in paragraph 2.9.3 of this report, Cabinet Office accepts Recommendation 45 as a Modification to the Draft Plan (Modification 25). This is set out below for convenience:

Modification 25

"I recommend that paragraph 12.9.2 of the draft Area Plan should be amended to read as follows:

The findings of this work are:

- i) The housing need calculations in the Strategic Plan are based on a projected Island-wide population, living in private households, of 91,898 by 2026. This assumed net inward migration of 500 people a year between 2011 and 2026.**
- ii) With an average household size of 2.27 persons, this indicated that there would be 40, 484 resident households on the Isle of Man by 2026.**
- iii) At the time of the 2011 Census there were 35,599 resident households in the Isle of Man. So there was expected to be an increase of 4,885 households between 2011 and 2026. After allowing for vacancies and rounding, this resulted in a total housing**

requirement of 5,100 additional dwellings for the period 2011 to 2026, as set out in Housing Policy 1 of the Strategic Plan. Assuming that 48% of these dwellings would be needed in the East, the housing requirement for the East was for 2,440 additional dwellings, as set out in Housing Policy 3 of the Strategic Plan.

- iv) A more recent projection based on the results of the 2016 Census, and assuming net inward migration of 500 people a year between 2016 and 2026, shows that by the end of that period, there would be an Island-wide population of 85,671 living in private households.**
- v) With an average household size of 2.24 persons, this indicates that there would be 38,317 households on the Isle of Man by 2026.**
- vi) Whereas the Strategic Plan assumed an increase of 4,885 resident households between 2011 and 2026, the later projection points to a smaller increase of 2,718 households during that period.**
- vii) The Strategic Plan assumes that 48% of the additional households would live in the East. On that assumption, there would be 1,358 additional households in the East between 2011 and 2026.**
- viii) In order to provide some flexibility, and allow for the possibility that some allocated sites might not be brought forward for development, it would be prudent to make provision for some 1,500 additional dwellings in the East during this period."**

3 Trigger for the release of the Strategic Reserves

3.1 Background

- 3.1.1** The Inspector accepted Cabinet Office's general approach to the release of the Strategic Reserves as being reasonable. The key point made by the Inspector was that release for residential development should be contingent on some objective criterion and that this needed to be written into the Area Plan.
- 3.1.2** The 'objective criterion' suggested was that the Island's resident population having increased to at least 89,000 by the time of the 2021 census. This is the mid - point between the 2011 known population figures and the projected 2026 resident population figures (set out in the Strategic Plan 2016 which was in turn based on the 2011 Census).

3.1.3 Table to show how the 89,000 figure was worked out

2011 Strategic Plan	Resident Population	2026
Actual Resident Pop.	Mid-point 89,000	Projected Resident Pop.
84,497	sum $93,526 - 84,497 = 9029$ $9029/2 = 4514.5$ $84,497 + 4514.5 = 89,011$	93,526

3.1.4 The Planning Inquiry examined the findings of the 2016 Interim Census and there was an early round-table session dedicated to population and the possible growth scenarios. Cabinet Office accepted at the Inquiry that since 2011, the resident population had not grown as expected. This was evident in the 2016 Census Report when compared with the 2011 Census Report.

3.1.5 Cabinet Office emphasised at the Inquiry that the data collected since the 2016 Census did show that net migration was increasing compared to 2011 to 2016.

3.1.6 If the population projections were to be rolled forward using the 2016 Census findings as a baseline, then the Island’s resident population would be expected to reach 89,000 by 2031 (using the assumption of 500 net migration)¹. If the assumed rate of migration was 1,000 per annum then a resident population of 89,000 could be achieved by 2022.

3.2 Implications of accepting the Recommendation (89,000 criterion) as set out by the Inspector

3.2.1 The principle of a resident population-based trigger for strategic reserve release does not factor in several elements:

- The need for strategic reserve land to be used for other uses The Draft Area Plan acknowledges that such land may be needed for uses associated with residential development and settlement growth such as education, health facilities etc.
- Changes in household size
- Number of households

¹ DP EP5 Household size and Populations Projections Paper (Updated June 2019) Table 2

- 3.2.2 Also, by accepting a resident population based trigger through the Area Plan for the East, this will set out a different approach to the release mechanism in the Area Plan for the South. There are two Strategic Reserve sites in the south for housing which do not rely on a specific population trigger.

3.3 Cabinet Office Approach and Proposed Modification (M65)

- 3.3.1 The 89,000 figure was generated using 2011 Census statistics. It is the mid-point between the actual population recorded in 2011 and the projection figure expected in 2026 using the 2011 baseline data. These figures are set out in the Isle of Man Strategic Plan 2016 which remains in force. The Strategic Plan makes no reference a 'mid-figure' for the purposes of releasing land.
- 3.3.2 The 2016 Census revealed a resident population of 83,314. Using that as a baseline for projections, the Island will reach a population of 88,914 in 2031 if migration every year between 2016 and 2031 had a steady net migration of 500. If net migration was 1000 per year from 2016, a resident population of 89,071 would be reached in 2022.
- 3.3.3 The Cabinet accepts that whilst net migration appears to be increasing it has not to date reached 500 during any year since 2016. It is not therefore realistic to believe that by 2022 resident population will be nearing 89,000.
- 3.3.4 The Island Development Plan will be undergoing a full Review after the 2021 Census. The findings will impact on the housing needs for the Island 2021 to 2036 if the plan period used for the new plan remains at 15 years.
- 3.3.5 The East plan is likely to be reviewed after the Strategic Plan but there may be the opportunity to set out policy guidance in respect of existing Area Plans when the Island's updated population growth figures are better understood. In any case, and as the Inspector pointed out in his report at paragraph 221-222 in the context of who should make the decision to release Strategic Reserves, the Inspector stated:

" ... I consider that a release mechanism requiring a decision to be made by either the Cabinet Office of (*sic*) Tynwald might well be redundant. In practice, if a prospective developer considered that there was a strong case for the development of a Strategic Reserve Site, there would be nothing to prevent the submission of a planning application in respect of that land. The prospective developer would not have to wait for the Cabinet Office to make an Assessment Report; and unlike an Assessment Report, a planning application would provide a right of appeal.

The determination of a planning application would not fall to the Cabinet Office. Rather, in the first instance, the decision maker would be either an officer of DEFA or the Planning Committee (or in exceptional cases the Council of Ministers). In accordance with Section 10(4) of the Town and Country Planning Act 1999, in

considering the application, the decision maker would have to have regard to the material provisions of the development plan, and to all other material considerations. The material considerations would almost certainly include whether there was a sufficient need for additional housing to justify a departure from development plan policy.”

- 3.3.6 Cabinet Office has been consistent in recognising housing need is about more than resident population. As an alternative to using 89,000, a sum, based on the Inspector’s principle was looked at using the number of people living in private households as well as household size. Again this used the Strategic Plan data (2011 Census).
- 3.3.7 As an alternative to using 89,000, a sum, based on the Inspector’s principle was looked at using the number of people living in private households as well as household size. Again this used the Strategic Plan data (2011 Census).

2011 Actual	Strategic Plan 2016 Number of private households	2026 Projections
Number of households	Mid-point 38,042	Number of households
35,599	Sum 40,484 - 35,599 = 4885 4,885/2 = 2,443 2,443 + 35,599 = 38,042	40,484

It is known from the projections using the 2016 Census data, that the number of private households is not expected to reach 38,042 until 2025. Official Government statistics are that number of private households based on net migration of 500 will be 38,075 in 2025² (see Annexe 1).

3.4 Modification 65: Release of the Strategic Reserves

A Strategic Reserve Site is land which may be suitable for development, but which will be held ‘in reserve’ until the need for such development has been established.

The Reserve Sites identified this Plan will be retained for Predominantly Residential use allowing for flexibility in land supply, should it be found that additional land is necessary. This accords with the ‘plan, monitor and manage’ approach identified in the Isle of Man Strategic Plan; and is necessary to ensure that the Plan can react to changing circumstances.

² DP EP5 (Updated June 2019) Household size and population projections paper, Cabinet Office, June 2019

Strategic Reserve Sites in this Plan will not be released for development until the resident population of the Isle of Man exceeds 89,000.

The first opportunity to review the population will be the 2021 Census. If the 2021 Census reveals that the number of private households is likely to reach 38,000 or more by 2026, consideration will be given to their release 12 months before the end of the plan period, which is 1st April 2025 in line with any other guidance set out in this Plan.

The status of Strategic Reserve Sites and mechanism/trigger for release of any Strategic Reserves set out in extant Area Plans will be reconsidered when the Isle of Man Strategic Plan is next reviewed.”

Please refer to Question 37 in the Response Form to make a representation in respect of this modification.

Projections from 2016 Census data

Table 4: Projection population living in private households

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
Zero	81,580	81,463	81,329	81,177	81,005	80,821	80,614	80,390	80,149	79,888	79,611	79,320	79,007	78,684	78,333	77,977	77,594	77,197	76,773	76,347
Mig. 500	82,127	82,565	82,992	83,415	83,810	84,203	84,584	84,962	85,314	85,671	86,002	86,332	86,633	86,908	87,170	87,406	87,613	87,803	87,962	88,110
Mig. 1,000	82,632	83,584	84,549	85,497	86,390	87,324	88,239	89,182	90,086	91,012	91,929	92,836	93,716	94,553	95,385	96,175	96,942	97,684	98,384	99,070

Table 5: Scenario A - Average household size remains constant from 2016

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
Zero	35,719	35,668	35,609	35,543	35,468	35,387	35,296	35,198	35,093	34,978	34,857	34,730	34,593	34,451	34,297	34,142	33,974	33,800	33,615	33,428
Mig. 500	35,959	36,151	36,337	36,522	36,696	36,868	37,034	37,200	37,354	37,511	37,655	37,800	37,932	38,052	38,167	38,270	38,361	38,444	38,513	38,578
Mig. 1,000	36,180	36,597	37,019	37,434	37,825	38,234	38,635	39,048	39,443	39,849	40,250	40,648	41,033	41,400	41,764	42,109	42,445	42,770	43,077	43,377

Table 6: Scenario B - Average household size reduces of 0.01 per year from 2016

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
Average Household Size	2.27	2.26	2.25	2.24	2.23	2.22	2.21	2.20	2.19	2.18	2.17	2.16	2.15	2.14	2.13	2.12	2.11	2.10	2.09	2.08
Zero	35,876	35,983	36,083	36,176	36,261	36,342	36,412	36,476	36,532	36,580	36,621	36,656	36,680	36,701	36,708	36,714	36,706	36,692	36,665	36,636
Mig. 500	36,117	36,470	36,821	37,174	37,517	37,862	38,205	38,550	38,887	39,228	39,561	39,896	40,221	40,537	40,849	41,153	41,446	41,733	42,008	42,281
Mig. 1,000	36,339	36,920	37,512	38,102	38,672	39,266	39,856	40,465	41,061	41,674	42,287	42,902	43,510	44,103	44,699	45,282	45,859	46,429	46,985	47,540

Table 7: Scenario C - Average household size reduces by 0.02 per year from 2016

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
Average Household Size	—2.27	—2.25	—2.23	—2.21	—2.19	—2.18	—2.16	—2.14	—2.12	—2.10	—2.09	—2.07	—2.05	—2.03	—2.01	—2.00	—1.98	—1.96	—1.94	—1.93
Zero	36,002	36,237	36,468	36,695	36,917	37,136	37,349	37,557	37,761	37,958	38,152	38,342	38,524	38,705	38,876	39,046	39,207	39,363	39,508	39,655
Mig. 500	36,243	36,727	37,214	37,707	38,195	38,690	39,188	39,693	40,194	40,706	41,215	41,731	42,243	42,751	43,261	43,768	44,269	44,771	45,265	45,764
Mig. 1,000	36,466	37,181	37,912	38,648	39,371	40,124	40,881	41,664	42,442	43,244	44,055	44,875	45,697	46,512	47,338	48,159	48,983	49,809	50,629	51,456

Table 8: Scenario D - Average household size reduces by 0.0048 per year from 2016

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
Average Household Size	2.28	2.27	2.27	2.26	2.26	2.26	2.25	2.25	2.24	2.24	2.23	2.23	2.22	2.22	2.21	2.21	2.20	2.20	2.19	2.19
Zero	35,795	35,819	35,835	35,844	35,845	35,839	35,824	35,801	35,770	35,730	35,683	35,629	35,565	35,496	35,415	35,331	35,234	35,130	35,014	34,896
Mig. 500	36,034	36,303	36,568	36,832	37,086	37,339	37,588	37,836	38,075	38,317	38,547	38,779	38,998	39,206	39,410	39,603	39,783	39,957	40,117	40,272
Mig. 1,000	36,256	36,751	37,254	37,752	38,227	38,723	39,212	39,716	40,204	40,705	41,204	41,700	42,187	42,656	43,124	43,576	44,019	44,453	44,870	45,282



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