

**Submission by Rushen Parish Commissioners to the  
Public Inquiry into the proposed Port Erin (Boundary Extension) Order 2019**

**1. Introduction**

1.1 The Rushen Parish Commissioners clearly have very strong concerns about Port Erin Commissioners' desire once more to take away long standing parts of Rushen. Before getting into the detail of the Commissioners' concerns the Commissioners wish to use a few simple images to demonstrate the arbitrary nature of boundaries all over the world, and indeed the general ability of communities, or a community divide by such a boundary to thrive without the need for one side to snatch the territory of the other.

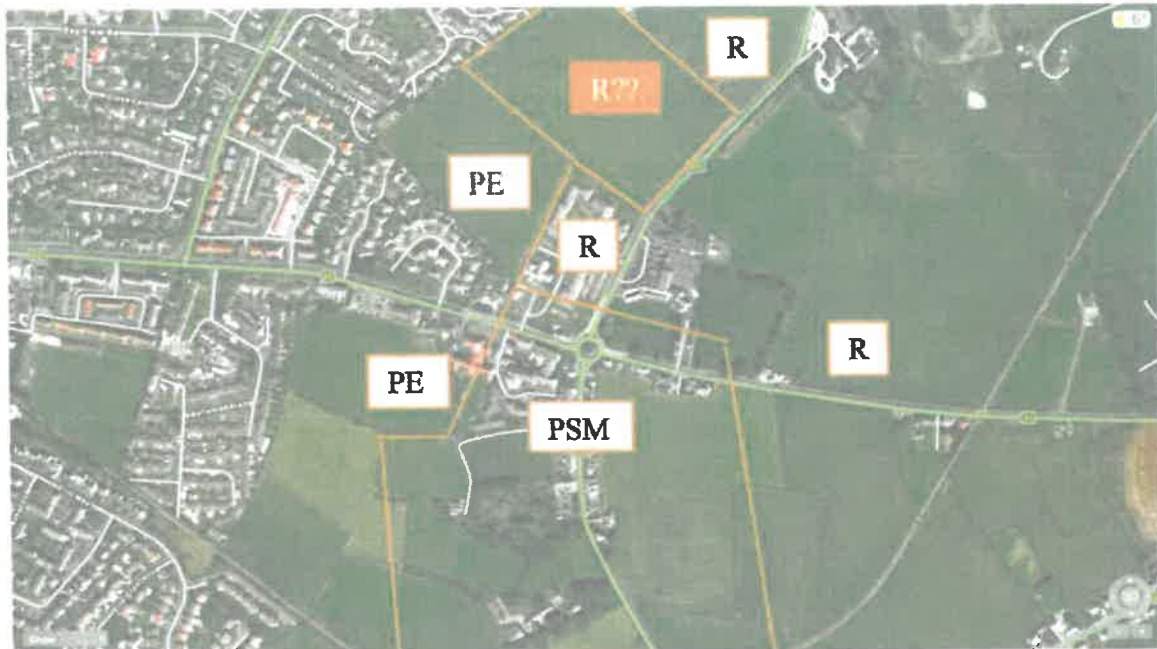
1.2 The images below show the national boundary between the Netherlands and Belgium ( on the left, and Germany and the Netherlands. Admittedly, Germany has tried to take the territory of its neighbours in the past century and of course if you go back in history Europe had quite a habit of fighting over its internal boundaries. Thankfully in more recent and enlightened times the desire to take others' territory seems to have become a thing of the past, at least in the developed countries of western Europe.



1.3 The picture below shows the national boundary between Ethiopia and Somalia divided merely by a piece of string and a few branches. Less defined than the current Rushen and Port Erin boundary in Ballakilley but a boundary just the same.



1.4 In the past Rushen Parish Commissioners have been willing to concede to Port Erin's desire to expand but in this case it is overwhelmingly clear that this more recent boundary proposal will cut into Rushen in a much more significant way than in the past. It will divide and isolate key features of Rushen Parish and it is the Rushen Parish Commissioners contention that Port Erin's proposal is primarily made so that the Port can extract additional revenue from the new estate.



[PE = Port Erin, PSM = Port St Mary, R = Rushen, R?? = the area subject to Port Erin's proposal]

1.5 As can be seen from the map/satellite photo above, the whole of the Four Roads area could reasonably be described as one community. It could be reasonably argued that each of the three local authorities could stake a claim to their neighbours territory. Equally Port Erin, if it succeeds with its current proposal might next set its sights on taking the remaining Rushen territory at the Four Roads, and I suppose it could then look to take over the Port St Mary properties too.

1.6 For many decades now, Port Erin and Port St Mary seem to have coped with the fact that the old Southlands building 'Thie Rosien' has been split down the middle with half in Port Erin and half in Port St Mary (see below). How did the residents of the former Southlands care-home cope with a boundary running right through the middle of their building?



1.7 To the north of the area being considered by the Inquiry are two fields which the Rushen Parish Commissioners are working to develop for recreation, play and leisure. S1 will be primarily developed by Southern Nomads as rugby pitches but there will be opportunities for other sporting clubs to use the site, as well as public use when the pitches are not in use. The Rushen Parish Commissioners will be developing and planting the area round the pitches for walking and potentially cycling and dog walking.

1.8 On S2 Rushen Parish Commissioners have already agreed to invest at least £50,000 to begin the development and planting of a multiuse recreational space providing rural park type facilities for all ages. On S3 I understand that Port Erin Commissioners plan to establish and operate a glamping camp site, which may well compete with a similar site already established by a private businessman in Rushen Parish.



## 2. Response to the Department of Infrastructure Consultation submissions

### Local Government Reform

2.1 As can be seen from the following comments submitted to the Department of Infrastructure (DoI) consultation on this proposal many people struggle to understand how the current structure of local government in the Isle of Man can be viable. Looking at the images provided above it could be reasonably argued that the whole of the south west could be described as one community. Indeed many believe that the whole of the south could be described as one community.

2.2 Respondent 389893198 who doesn't live in the area, but supports Port Erin's proposal, stated "*The local authorities of Rushen, Port Erin and Port St. Mary, as a minimum, should be forced to merge. This would create a bigger local authority which would optimise use of ratepayers' contributions.*"

2.3 Respondent 1014447785 who doesn't live in the area, and neither supports nor objects to the proposal stated "*All boundaries should be redrawn for the implementation of North / South / East / West public authorities.*"

2.4 While Rushen appreciates that it is not for the Inquiry to consider local government reform, it is clear that all of the twelve respondents to the DoI consultation who made comments and agreed for them to be published appear to see the whole exercise as an opportunity for local government reform by the backdoor. They suggest that by creating larger authorities greater efficiencies will follow thus reducing the cost to rate payers.

2.5 Of course, the evidence suggests that the larger Port Erin Commissioners provide services to their ratepayers at a higher cost per service than smaller Rushen does. Indeed, many politicians have stated that they wish to see central government moving to a more efficient model providing a commissioning and regulation service as opposed to the larger service providing model which currently operates. Rushen it would appear provides the modern efficient system of government that many people desire whereas Port Erin clings to a rather 'big government' outdated model for providing services which is more expensive for its ratepayers.

2.6 Perhaps if an approach to local government reform was proposed which looked to address the higher costs of the more expensive service provision models adopted by the larger authorities, it would be seen as something we could all get behind.

#### **Respondents In Favour**

2.7 Respondent 546851031 who lives in the area, doesn't live in Ballakilley, but supports Port Erin's proposal states "*... all are likely to avail themselves of the facilities in Port Erin. I could however be argued that the whole estate go to Rushen who are clearly able to provide statutory services at a lower cost to ratepayers without the overheads associated by Port Erin and their excessive staff payroll.*"

2.8 Interestingly many of the services used by Port Erin residents such as the school, the doctors' surgery, the recycling centre, the care-home and the church yard are all in Rushen. In the near future some of the best recreation and sports facilities will be in Rushen too.

2.9 Rushen agrees with the respondent that perhaps a more sensible solution, if boundaries are to be shifted, would be for Rushen to take over Port Erin's part of the estate, however, Rushen Parish Commissioners have agreed that such a move is unwarranted as they feel it is more than possible for the two authorities to work together to ensure smooth delivery of services on either side of the current boundary.

2.10. Respondent 587362631 who doesn't live in the area, doesn't live in Ballakilley, but supports Port Erin's proposal suggests that Rushen rate payers "*effectively use Port Erin as their local authority, unfair both to the residents of Port Erin who are having to shoulder the burden of cost on behalf of the residents of the extension area and the residents of the extension who are currently excluded from the democratic process in Port Erin.*"

2.11 Rushen contends that by far the greater burden of cost associated with the new development will fall upon the Parish with the extensive recreational developments proposed. Indeed, it is difficult to see what additional cost Port Erin Commissioners will bear as a result of the development.

2.12 It is also hard to understand how the respondent sees Rushen ratepayers 'effectively using Port Erin as their local authority' when all statutory services are provided by Rushen Parish.

2.13 Another respondent 388509314 who doesn't live in the area, doesn't live in Ballakilly, but supports Port Erin's proposal states "*The sooner there are fewer local authorities, the better. The towns provide and pay for the main facilities.*"

2.14 Port Erin certainly manages the beach and shopping area, but Rushen has a much larger area to maintain, has latterly taken on a role in maintaining the large network of rural footpaths and makes contributions to Port Erin's library and firework display. Indeed the Commissioners are in discussion with Port Erin to see whether agreement can be reached to ensure Rushen contributes a fair amount to the extra services Port Erin provides.

2.15 Respondent 320409855 Charles Lewin who doesn't live in the area, doesn't live in Ballakilly, but supports Port Erin's proposal suggests that "*the unfairness comes in as in this case property owners will be paying considerable more if they live in the village when compared to the Parish. To remove this unfairness then the new development should be included into the boundary of Port Erin.*"

2.16 As mentioned above Rushen is already in discussion with Port Erin to see whether agreement can be reached between the authorities for a fairer contribution to be paid to Port Erin. This, combined with Port Erin changing its service delivery model to a less expensive system, could also remove the suggested unfairness. Rushen believes that there is a lot of merit in the 'unfairness argument' shifting from knocking the smaller, more efficient Parishes and seriously addressing the high costs of the larger authorities.

2.17 Respondent 768496909 who does live in the area, doesn't live in Ballakilly, but supports Port Erin's proposal suggests that "*The residents are highly likely to use Port Erin services and amenities and should pay fairly and uniformly.*"

2.18 Respondent 811954936 who does live in the area, doesn't live in Ballakilly, but supports Port Erin's proposal states "*Granted the residents of the new estate on the Rushen side will feel aggrieved in terms of rate levels, given that, in effect, they are having the benefit of being in Port Erin whilst paying lower Rushen rates is perhaps an inequality they will come to terms with over time.*"

2.19 The Commissioners have mostly answered these points above. As will be seen when we quote from Ballakilly residents opposed to the scheme, many state that they use facilities in Rushen and primarily shop in Port St Mary, Colby and Douglas. While I am sure they may from time to time use facilities in Port Erin, Port Erin residents equally use Rushen's facilities. There appears to much supposition and little hard evidence to back this view repeated by most of those who support the proposal.

2.20 Respondent 86656341 who does not live in the area, doesn't live in Ballakilly, but supports Port Erin's proposal merely asserts that "*It's purely common sense to change the boundary.*" The Rushen Parish Commissioners are yet to see compelling evidence for this, although the Commissioners accept that this is a common misconception.

2.21 Respondent 532879637 who does live in the area, doesn't live in Ballakilly, but supports Port Erin's proposal suggests that "*It is reasonable that residents in an estate should be paying equitably for the services provided.*" Respondent 367374489 who does live in the area, doesn't live in Ballakilly, but supports Port Erin's proposal states "*It doesn't make sense that a housing estate is split across two parishes, it's just common sense they should be together.*" Rushen Parish Commissioners don't necessarily disagree with this in principle but

wonder why Rushen residents should be automatically expected to pay more, rather than Port Erin residents pay less.

2.22 Respondent 37306567 who does live in the area, doesn't live in Ballakilley, but supports Port Erin's proposal states "*Lots of funds could be saved by having one set teams across all areas, and not contracting out services in others smaller LAs. Its ludicrous in this day of austerity & 'savings' not to take this opportunity to address a larger issue!!*"

2.23 Rushen would contend that it is highly unlikely that Port Erin would reduce its costs were it to take over Rushen. If anything, costs would increase as Port Erin operates a more expensive service delivery model. It is perhaps more ludicrous to consider increasing the overall burden to southern ratepayers by failing to address the higher costs of larger authorities.

2.24 Respondent 668017292 who does live in the area, doesn't live in Ballakilley, but supports Port Erin's proposal wrote extensively on the proposal along the lines of previous supporters. The respondent states "*... it is clear that larger social units can achieve more and Tynwald in it's wisdom has put in place legislation into allow the natural extension of the Towns and Villages of the Island. This allows them to become larger more financially viable units able to offer it's citizens greater services.*"

2.25 The 1985 Local Government Act in the section titled Alteration to boundaries actually states that: (1) The Department may, on the application of the local authority for **any district**, by order alter the boundaries of the district. The respondent makes assumptions about the ability of larger authorities to do more than smaller authorities and also incorrectly asserts that the provision for boundary extensions is only available for larger authorities.

2.26 The comments of this respondent do appear to have been made with the benefit of rose tinted spectacles, and conveniently forgets that the larger authority, Port Erin, has in the past sold important assets such as Bradda Glen as it no longer felt able to manage the site.

#### **Neutral responses**

2.27 Respondent 52828995 who neither supported nor opposed the proposal stated "*I am a Rushen ratepayer but have seen the small mindedness and lack of vision displayed by pe, Psm and Rushen as petulance of the highest order. It is a nonsense to have people on the same housing estate paying different rates and being represented by different local authorities.*"

2.28 Rushen acknowledges that the actions taken by the Commissioners may appear petulant and wishes to apologise if that is the case. Rushen also wishes to make it clear that ever since the whole subject of joint management of the estate was first mooted the Commissioners have tried to work with Port Erin Commissioners to resolve any difficulties. It was only following Port Erin's unilateral decision to proceed with the current proposal that Rushen felt compelled to defend its case. Not for petty minded reasons, but because Port Erin's case appears to be so weak.

2.29 Respondent 459218203 who lives in the area asks "*The question arises as to why - in all sense of reason, common sense and imaginative planning; the planning department could not see what was staring them in the face. I wrote to the, then Minister, at the initial stages - before a brick was laid - how this development would impact on the (Port Erin) community. "... the new residents of Ballakilley are not going to trek to the centre of the Rushen sheading*

*to take their kids to school, do their banking or attend church - these are all more conveniently and adequately provided for within the village of Port Erin. local surgery was deemed, it seems, to be large enough... "What, of course, the Port Erin Commissioners "gain" from it is increased revenue, through the rates."*

2.30 While Port Erin appears to rely on planning in its rather brief proposal, it is clear that planning policy has no bearing on the position of a boundary. Of course the school and Parish Church are both in Rushen but we suspect the respondent is right about Port Erin's motivation for seeking the boundary extension.

### **3. Rushen Parish Commissioners' response to Port Erin Commissioners' initial submission – background information and general concerns.**

#### **Previous Boundary Extensions**

3.1 Rushen Parish Commissioners as the local authority for the area dealt with all the planning applications for the new Ballahane and Shirragh Way estate, the five new houses at <sup>Truggan</sup> Ballahane Close and also all of the houses on Truggan Road (which had been in Rushen for many years). Rushen insisted upon a 'soft edge' to the adjoining land and went to appeal with regard to the historic flooding of this land which was eventually addressed by the building of an attenuation pond.

3.2 Port Erin Commissioners subsequently requested a Boundary Extension. Rushen Parish Commissioners, being a reasonable and neighbourly local authority conceded that the main estate could be reasonably described as an extension to Port Erin as all the roads to and from it lead into Port Erin (of course at Ballakilly all entrances to the estate are from Rushen).

3.3 A through road to Truggan Road coming out by the new Truggan Close houses, with a locked gate across it for access only by emergency services was agreed. Rushen opposed Truggan Close and all the properties on Truggan Road being taken by Port Erin. The Inspector's decision gave all of the Estate including Truggan Close which was accessed via Rushen to Port Erin, but he ruled that the properties on Truggan Road would remain within Rushen.

3.4 An earlier boundary extension related to the Ponyfields development which was formerly in Rushen. Again, all the planning applications were dealt with by Rushen and discussions were held with regard to dealing with the open landscaped areas within the estate which was at the time partly developed.

3.5 Port Erin Commissioners then applied for a boundary extension to take this into Port Erin. Once again, Rushen took the view that the entrance to the estate led into Port Erin so once again Rushen somewhat reluctantly accepted the logic of Port Erin's application.

3.6 Going back further to the Port Erin Area Plan 1990 it should be noted that the parcel of land at Ballakilly which is now within Port Erin's boundary has previously been in Rushen. It appeared to slip into Port Erin as part of the Port Erin Local Plan adopted by Tynwald in 1990 without appropriate consultation, perhaps as a clerical error. Rushen believed that they weren't given the opportunity to have any input into this plan even though it was changing a boundary in Port Erin's favour.

3.7 The small field within Port Erin's boundary (behind Milner Close) was never developed or even considered as being proposed for development. When Milner Close and Milner View estates were built, Port Erin Commissioners did not ensure that there was access left to

accommodate any future building in that parcel of land, which had inadvertently been taken within their boundary.

3.8 Similarly, when Ballakilley Close was built Port Erin failed to provide for access to the adjoining land. Also, with regard to the Ponyfields estate, which was within Rushen during its development, Port Erin Commissioners again failed to ensure that there was any access to this small parcel of land in their area.

3.9 It should be noted that during the lengthy Southern Area Plan development process Port Erin Commissioners were adamant that they didn't want any building on the land in which they have suddenly developed such a keen interest. It is somewhat ironic that they now want to take the whole development within their Village District.

3.10 So on several occasions now, Port Erin Commissioners have taken developed patches of Rushen territory from the Rushen Parish Commissioners. Rushen Parish Commissioners have reluctantly accepted previous extensions, but feel this current proposal is a step too far.

#### **General concerns**

3.11 This latest boundary extension application is strongly opposed by Rushen Parish Commissioners as, if it is successful, it will divide key features of the Parish from the community they have always been part of. The proposal would make for a very untidy and uncomfortable boundary between the two authorities' geographical areas, poking a finger of residential properties between the Rushen facilities which include the doctor's surgery, the residential home and the school, and the proposed new playing fields and recreational space, which will be developed in 2019 in Rushen Parish Commissioners' fields to the north of the Ballakilley development and directly adjoining it.

3.12 The Rushen Parish Commissioners are naturally disappointed that Port Erin Commissioners have chosen to pursue this unneighbourly action, particularly as Rushen Parish Commissioners had expressed their willingness to work with Port Erin Commissioners to ensure the smooth provision of services to residents across the new development. Indeed, the Rushen Parish Commissioners could no doubt make a much stronger case to absorb into Rushen the houses on Port Erin's side of the Ballakilley development but had no wish to take such a provocative action against their neighbour.

3.13 The whole development is accessed through Rushen, the closest recreation facilities will be provided by Rushen Parish Commissioners, the Church, school, doctor's surgery and residential home are all in Rushen, the nearest beach is in Rushen and the nearest recycling facility is in Rushen. To reach the main road entrance to Port Erin from the Ballakilley development you need to drive about quarter of a mile through both Rushen and Port St Mary.

3.14 The shops of Port St Mary are at least as easy to get to as those in Port Erin and many Ballakilley residents have told the Commissioners that they shop in Port St Mary as they feel the shops are closer than those in Port Erin. Many people shop in Douglas before coming home from work and many people now have shopping delivered to their homes via Tesco.

3.15 Ballakilley residents Jessica & Paul Quilliam & Carol Hyde stated in their response to the DoI consultation that "*... any change may alter the dynamics of the community. Our community runs as one community already. We use the facilities at Port St Mary & Port Erin alike & our daughter attends Rushen Primary School.*"



3.16 Ballakilley residents Alan & Chrstine Crowther point out that Port Erin Commissioners *“fail to mention that most of these facilities are in Rushen and used by Port Erin residents. The commissioners also state that the closest retail outlets are in Port Erin, an argument which as mentioned above, we do not believe is completely correct. “... we are not at the heart of Port Erin and have as many if not more neighbours in Rushen. We understand that the cost of our annual rates will increase materially if we are moved into the Port Erin boundary.”*

3.17 In their response to the DoI consultation Ballakilley residents James & Stacey Simpson *“strongly object”* to the proposal. *“I do my shopping in Douglas and Colby store .... we do not use Port Erin’s facilities” “every time a new housing estate has emerged, Port Erin has moved to grab it for rates purposes.” “This is simply a rates grab and no extra benefit will be provided in return for the extra cost.”* They also point out that this whole matter of boundaries should have been decided before any property was sold.

3.18 Ballakilley resident and anonymous respondent to the DoI consultation 148577888 made the following points. *“If this boundary extension were to happen the residents affected will be required to pay higher rates and as far as I can see receive little benefit from the increased expense. Surely the main consideration of this enquiry should be to consider how this change would affect residents.”*

3.19 They quote Port Erin’s proposal and then respond to it. *“The whole of the Ballakilley development will make use of the same schools, doctors, dentists, community halls and recreational areas, all of which are adjacent to the development”. This indeed is true however, according to the map published to demonstrate the disputed area, the Southern Practice, Southern Civic Amenity site and Rushen Primary school are within the boundary of Rushen. Furthermore the Thie Rosien Dental Practice is located within the boundary of Port St Mary. Therefore the claim that this is one reason to extend the current boundary of Port Erin is discredited as in fact a large number of the facilities being used are not even within the current boundary of Port Erin. .... I would argue that the facilities in Port St Mary are indeed closer. Rushen Parish also recently approved plans and granted a lease of the fields adjacent to the Ballakilley development (also in the area of Ballakilley) for recreational use by Southern Nomads. I would argue that this is further evidence of Rushen parishes development along its boundary not the “overspill or outgrowth of Port Erin.”*

3.20 It is clear to the Commissioners that there is strong opposition to this proposal from Rushen’s Ballakilley residents. Prior to DoI’s consultation on the proposal round thirty residents contacted the Commissioners by letter, email, phone and in person to express their anger at this proposal. This represented well over half of the properties occupied at the time.

3.21 Perhaps most significantly, of the forty-nine published submissions to the DoI’s consultation which were against the proposal, thirty-one were from residents of the proposed extension area. Nobody from the proposed extension area favoured the move.

3.22 Respondent 717590807 and Ballakilley resident made a number of very relevant points *“We therefore find it disappointing that Port Erin Commissioners took until 16th October 2014 to make an application for an extension of the Port Erin Boundary to include the whole of the Ballakilley Estate. The reply from the Department of Infrastructure to the Commissioners was dated 25th March 2015, setting out a clear framework of what the Commissioners needed to demonstrate. What this letter failed to do was to provide a timeframe for response. Port Erin Commissioners response was dated 25th July 2016, over a*

*year later. This hardly demonstrates that this was a pressing matter for Port Erin Commissioners.”*

3.23 In relation to the Local Government Act 1985 they assert *“The law doesn’t protect homeowners giving them no certainty as to if their home will remain in one parish or be “acquired” by a neighboring parish. As we have Area Plans which are reviewed and agreed, surely the law should allow parish’s a set timeframe from agreement of the local plan to request movement of boundaries. So all such decisions are made well before residents move in.”*

3.24 Rushen notes the following points made by this respondent in relation to Port Erin *“Surprisingly we have heard nothing from Port Erin Commissioners, which is in itself disappointing, given the idea that the Commissioners want us to be part of “their community.” .... “The balance of advantage should lie with the homeowner who wants consistency in the services to the home they purchased, in the parish it was built in. Any advantage to Port Erin Commissioners would purely be monetary. They have no interest in community or they would have taken the time to explain to homeowners the benefits of the change.”*

3.25 Rushen Parish Commissioners accept that the timetable was not wholly in Port Erin’s control, however several Ballakilley residents expressed concern that this matter should have been resolved at a much earlier stage. Perhaps this is one of the matters that the Inquiry could report on, to save future anguish for residents of yet to be built houses in some other part of the Island?

3.26 Why Port Erin Commissioners have chosen not to engage with the residents they wish to absorb is clearly a matter for them to respond to. It does appear surprising that Port Erin can cause so much anxiety to so many people without making any attempt to communicate their proposal.

3.27 Rushen Parish Commissioners contend that they provide most if not all of the services which Port Erin offers its residents, but these services are provided at a fraction of the cost of those provided by our larger municipal neighbour. As stated earlier, the Commissioners understand that it has long been an aspiration for Isle of Man Government to become a policy making, commissioner and regulator of services rather than retaining a large work force to provide and deliver services. Rushen Parish Commissioners is the very epitome of this aspiration for “smaller smarter government”, efficiently providing a range of statutory services to Parishioners.

3.28 Rushen Commissioners provide services to all of the dwellings within ‘their’ part of Ballakilley. Refuse collection is fortnightly and residents are happy with that. This encourages residents of Rushen to recycle, something we have all been urged to do by Central Government for many years. Residents can have a second bin if they feel they require it, but most residents manage well without this.

3.29 Ballakilley respondent 1021498549 stated *“We are a family of four with two young children who attend Rushen Primary School (within Rushen Commissioners’ area) , and we find the fortnightly refuse collection of our one bin is more than adequate ...”*  
*“We do not feel that a weekly refuse collection would justify the potential annual increase in rates of circa £230 p/a, as confirmed to us by Port Erin Commissioners.”*

3.30 The same respondent made several further points including one made by a number of others about their postal address. *“Should the proposed boundary extension be approved, it would not make sense for our address to remain as Port St Mary as it would seem that major reason for the proposed change is that Port Erin Commissioners feel ‘the promoters’ area and the area/s sought are really one community. .... Should our address change to Port Erin we, as with the other affected households, will need to change our address with various places such as Banks, IoM Land Registry for property Deeds (we understand there may be costs associated with making changes to the title register), mortgage providers (we are unsure whether this would cause any issues with the mortgage underwriters, and whether there would be any associated costs), utility companies, credit card companies, IoM Government departments (driving licence, vehicle licensing etc.), and insurance companies which are likely to charge administration fees for policy amendments. .... We feel that a change of address would have a significant impact on the affected households, but should the proposed extension go ahead and the address not change to Port Erin, it would be a contradiction to Port Erin Commissioners’ rationale for the proposal.”*

3.31 The Rushen Parish Commissioners note that the Post Office does appear to have some very confusing policies regarding postal addresses with Rushen being split between Port Erin, Port St Mary and Colby and little if any official postal reference to anywhere in Rushen Parish. It is possible therefore to leave the addresses as Port St Mary as the Post Office seems to have little desire to recognise actual authority boundaries. Residents are confused on this point however and are looking for reassurance from someone.

3.32 Ballakilley consultee 1021498549 reinforced points made previously. *“The comments provided do not seem to be accurate as the school and its playing fields, and the doctors’ surgery falls within Rushen Commissioners’ area. The medical facilities fall within Rushen and Port St Mary’s areas, rather than in Port Erin. .... As we have a Port St Mary address, all missed Post Office parcel deliveries are sent to Port St Mary Sub Post Office for safe keeping, and collection. We also tend to use Port St Mary Co-Op for sundry food items as we feel it is easier to call there on the way home rather than going into Port Erin, and we get weekly food deliveries from Tesco. .... The only vehicular access to the new development is via the two roads which fall within Rushen Commissioners’ area.*

3.33 They finish by making the following points. *“The majority of the dwellings which fall within the current Rushen Commissioners’ area are larger houses, with a number of social and first time buyer houses falling with the Port Erin boundary no doubt making the Rushen area properties very attractive to Port Erin from a rates revenue perspective. .... This just appears to be an attempt at land grabbing by Port Erin as they have no further land available for development within their area. .... The biggest issue for us would be the unknown potential costs involved with changing our address. We feel that some key areas which will have a direct impact on the households affected have not been properly thought through and considered.”*

3.34 While Rushen welcomes the fact that there is a good mix of housing in the Rushen, Port St Mary and Port Erin area, it is clear that in many areas divisions between affordable and social housing areas and areas with more expensive housing are often seen as delineating between different communities. Rushen would not wish to use this argument to suggest that its part of the estate has a different community to the lower cost houses in Port Erin’s part of Ballakilley, however others have made this point to the Commissioners.

3.35 With regard to other services, Rushen's public lighting is the same density as the smaller Port Erin part and Rushen arranged with the MUA for their lighting to come on and go off at the same times as Port Erin's lights on the estate. The first phase of the development was in Rushen and they ensured that the lighting was LED which is more environmentally friendly and they presume that the MUA advised Port Erin of Rushen's preference.

3.36 Rushen arranges for the estate roads to be swept regularly and the gullies cleared by their contractor. Rushen Parish Commissioners engage the services of a contractor who collects the refuse from the whole Parish. Southlands Resource Centre has its refuse collected three times a fortnight, Rushen School and the Doctors' Surgery have their refuse collected weekly. None of them have been charged extra for the disposal of the tonnage of waste and there have been only small increases in collection costs. This has provided significant financial savings for the various Government Departments.

3.37 Unlike Port Erin, Rushen maintains many miles of roads, keeping them swept, spraying weeds, keeping the hedges cut and has also taken on some responsibility to maintain many of the footpaths and public rights of way in the Parish.

3.38 If Isle of Man Government and Tynwald wishes to pursue local government reform, then they need to determine their objectives for doing so, consider the evidence and make the changes they deem necessary. We recognise that the Inquiry is not able to consider local government reform, rates reform, or indeed the financial impact on the respective authorities, yet it is very obvious from the comments of those supporting and objecting to the proposal, that these matters very much provide the main motivation for the proposal. It has been therefore necessary for Rushen to address these points in this submission.

3.39 While it is recognised that we inevitably are a little biased, Rushen Parish Commissioners struggle to find any merit in Port Erin Commissioners' proposal, and the Commissioners had hoped that it would have been dismissed without the need for any further consideration such as this Inquiry. As the proposal is now receiving further attention, the Rushen Parish Commissioner strongly urge decision makers not to use this proposal as an excuse to further chip away at the integrity of Rushen Parish and in effect cause ill-conceived local government reform to sneak through by the back door.

#### **4. Rushen Parish Commissioners' response to the criteria which the Inquiry will consider – reinforced by comments from those opposed to Port Erin's proposal**

##### **4.1 That the promoters' area and the area/s sought are really one community;**

4.1.1 Rushen Parish Commissioners maintain that the whole of the Four Roads could be regarded as one community as previously stated. However, only a small part of this community is currently located within Port Erin Village District. This community has been equally and happily split between Port St Mary and Rushen for many decades.

4.1.2 The fact that the Ballakilley estate was one development, one planning application and developed by one developer, but built within two local authorities' districts, does not mean that its residents automatically become part of any one community. Indeed, as previously stated a stronger argument exists for the whole development to become part of Rushen.

4.1.3 The fact that the Southern Area Plan refers to the site as a single development is largely irrelevant as by extending this analogy you could argue that there was one plan for the south so the whole of the south should be classed as one community. As previously stated, many of those supporting the proposal seem to favour a much larger single authority for the south.

4.1.4 Ballakilley resident and anonymous DoI consultee 513682988 explained “*we already act as one community and moving a boundary on paper will make no difference to community spirit*” but “*the financial implications and rates increase will be inevitable causing more concern negatively.*”

4.1.5 Ballakilley resident and consultee 148577888 stated “*I am therefore extremely concerned to see that your review will not include “the financial impact on an authority either beneficially or negatively through the rateable income of a boundary application” due to s.6 of the Local Government Act 1985. This is absurd.*” They then recognised that “*The general facilities in the south of the island are used and shared by all. .... it is clear that the current system of local authorities and commissioners needs to be reviewed ... .The residents of Port Erin, Port St Mary and Rushen (and in many cases Arbory, Castletown and Malew) each use each other’s facilities and so the rates of maintenance should be divided more equally amongst all the residents in the south of the island.*”

4.1.6 The key point here is that the whole of the south west or indeed the south could be argued as being one community depending on how broadly or narrowly you wish to define community.

4.1.7 Also Ballakilley resident and consultee 496156756 made a similar point “*When considering buying our house one of the most important factors was whether we could afford the running costs, including rates. It is grossly unfair on house owners to change the parish boundary when there is such a large disparity in the rates between the two local authorities.*” .... “*We probably use more Douglas/Onchan services e.g the tip, Onchan Park as that is where we work. Should we therefore be paying Douglas rates too? And our rates already contribute to some services in Port Erin e.g southern tip and Port Erin library. We bring money into Port Erin by using the shops, pubs, cafes, restaurants, railway station etc.*” ..... “*The whole issue of rates needs addressing island-wide and not by minor piecemeal boundary changes like this one.*”

4.1.8 The consultee erroneously refers to the ‘tip’ being in Port Erin – it’s actually in Rushen and owned and managed by Port St Mary on behalf of the southern local authorities board established to oversee it.

4.1.9 The Commissioners have included the broader comments of where a community begins and ends here, as they clearly demonstrate that most of those opposed to the development do not see themselves as restricted to the narrow boundaries of either Rushen or Port Erin but rather see themselves as part of a range of different communities, some smaller, some larger, depending on the context of the question.

4.1.10 David Jepson seemed very happy to be part of Rushen though. “*First signs are that they (Rushen) are an approachable responsive Authority, far better than we experienced with our previous Council in England.*” ... “*The development of sports pitches in Rushen will benefit Port Erin also, as do the facilities that both Authorities are responsible for.*” Ballakilley resident and consultee 311713135 says “*I am more than happy of the services provided by Rushen Commissioners.*”

4.1.11 An opponent of the proposal consultee 515215682 who doesn’t live in the Rushen and Port Erin area made a relevant point too. “*Unless it is determined to review all local authority boundaries, there is no justification for this extension and it could lead to a complete subsuming of rural local authorities into contiguous towns using the same arguments.*” This

point was repeated by non-resident consultee 1053804401 *"Instead of messing about extending boundaries the local authorities should be made to amalgamate together with port st mary."* Non-resident consultee 375545504 made a similar point *"... I think it would make sense to have a Port Erin, Port St Mary, Rushen combined area but I don't think that would ever happen!"* Consultee 246678433, Steven from Arbory, made the same point *"I would say leave everything as it is or address the bigger issues around rates and boundaries for the whole of the south."*

4.1.12 Finally for this section, consultee 163632043 made the following relevant points. *"Port St Mary is actually quicker to walk to than Port Erin and retains the Manx village quaintness so loved by residents and tourists alike."* *"The point that the site has been built by one developer is totally irrelevant. Builders are only interested in erecting properties and selling them, not in distinctions or boundaries."*

4.1.13 From the evidence presented so far there appears to be very little evidence that conclusively describes the area as an integral part of Port Erin. The Rushen residents are very content to live in Rushen and would not on the whole be averse to broader discussions of community whether that be a large southern authority or a small Rushen authority perhaps contributing more to Port Erin for services used by Rushen Parishioners.

**4.2 That there is community of interest in all or most public services, social agencies (for example schools, doctors' surgery/ies, recreation areas and community halls) and communal requirements of the future;**

4.2.1 Port Erin Commissioners' comment in relation to this issue provides a strong argument against their application. The school is in Rushen, the doctor's surgery is in Rushen, the nearest dentist is in Port St Mary at Thie Rosien, the nearest recreation areas will be in Rushen provided at Rushen ratepayers expense.

4.2.2 Port Erin Commissioners don't provide any community halls and the nearest community hall is in Rushen at the primary school. The next nearest is in Port St Mary provided by Port St Mary Commissioners. The shops of Port Erin and Port St Mary are equidistant from the Ballakilly development with many Ballakilly residents preferring to use Port St Mary's shops and Post Office.

4.2.3 Neither Port Erin Commissioners nor any other local authority provide shops. In fact, Port Erin receives income from the shops via rates and by charging them the high commercial rate for refuse collection and disposal. Shops provide Port Erin with an income not a cost.

4.2.4 The nearest recycling centre is in Rushen, the nearest Church is in Rushen, the nearest health centre at Thie Rosien is partly in Port St Mary and partly in Port Erin, the Doctor's Surgery is in Rushen and the nearest residential home is in Rushen.

4.2.5 The comments from the Planning Officer's Report which Port Erin Commissioners chose to use, talk about a settlement. This settlement includes Port St Mary, Rushen and Port Erin which up to now have managed to get on reasonably well without the need for a boundary extension. The fact that this settlement includes a former residential home which has been split in half between Port St Mary and Port Erin, without any need for boundary changes, surely undermines Port Erin's rather weak reliance on this point.

4.2.6 Non-resident consultee 35383909 said *"Main access to the development is from Rushen. There is no access to the development from Port Erin. Therefore, Rushen ratepayers will*

*meet the cost of signage, weed control, dog fouling, and street lighting on any or all the approach roads to the development."*

4.2.7 Ballakilley resident, opponent of the proposal and consultee 551529997 stated the following. *"... we would like to stay within the smaller Rushen authority and help support Rushen, especially when it is Rushen who are trying to develop more recreational facilities in and around the Ballakilley estate, this is very important to us as we are a family with a young child. Not to mention our child will be attending Rushen primary school from September. We use the Southern amenity tip, we only use online banking (not the bank in Port Erin) and have only used the post office in Port St. Mary. Not to mention why should we now have to go through the rigmarole of changing our address."*

4.2.8 Ballakilley resident and consultee 327355882 explained *"As services Port Erin residents use reside in Rushen, including the Doctors surgery, Rushen Primary and the residential home, I believe it is fair that they (Rushen) should also benefit from the extra funding from the new residents in Ballakilley."*

4.2.9 Opponent of the scheme, Adrian Tinkler, who is a Rushen resident and Port Erin Commissioner made the point that *"As it stands, the primary school, Southlands, Ambulance Station, Sheltered Accommodation complex, GP surgery and new Southern Nomads project, all within yards of each other, are shared between Rushen, Port Erin and Port St Mary and will remain so, even with the boundary change."*

4.2.10 Ballakilley resident and opponent of the scheme, consultee 551433995 states *"We spent a great deal of time researching where to live and the position of our house being in Rushen was a factor in our decision to settle here." ... "The school our children will attend will either be located in Rushen or Port St Mary, not within Port Erin;" ... "Also it states that other amenities such as doctors surgeries, dentists, shops, banks and community halls have an impact and I believe they think this adds weight to their application. This is absolute nonsense; our postal address is Port St Mary, we use the post office in Port St Mary, as do we use the shops located in Port St Mary too. Port St Mary is of equal travelling distance from the proposed extension and it is of no relevance. Our doctors surgery and dentist surgery aren't in Port Erin either."*

4.2.11 They make the further points that *"With Rushens plans to create recreational facilities directly next to the proposed extension area I feel this will be of great benefit to us. It would be wrong to have such facilities next to us kept by Rushen if we were part of Port Erin. There is already a clear boundary provided by roads within the estate; this sort of boundary is already present all over the island, the UK and infact the world." ... "I'm more than happy with the service that Rushen Commissioners already provide to my family. We have moved to Rushen purposefully and do not wish to become part of Port Erin; this will have a detrimental financial implication with no benefit at all."*

4.2.12 Ballakilley resident and proposal opponent John Newsam made the point that *"If the boundary extension is successful then this will represent a considerable loss of income for the Parish of Rushen and restrict the scope in which further facilities for the parish can be developed."* While Rushen appreciates that the Inquiry is prevented from considering the financial impact of this proposal on local authorities, the point, well made by this respondent, is that Rushen will be ensuring that sports and recreation space will be made available directly adjacent to the site and the lost income will impact heavily on Rushen Parish Commissioners' ability to fund such development. Clearly the recreation facilities will be

available to Port Erin, Port St Mary and Rushen rate payers – three communities, living together as one in the Four Roads, Ballakilley area.

4.2.13 Ballakilley resident and consultee 655385063 stated *“Us the home owners will be out of pocket, by almost double our rates I believe ....”* *“... the primary school is within Rushen as is the doctors surgery. The local dentist is also within Port St Mary as is our local post office. The only thing that is within their area is the IOM Bank, which they can hardly take credit for and the public library,”* ..... *“Do we wish to be part of Port Erin, categorically NO! We will be both financially worse off and have reduced amenities with regards to the playing fields.”*

4.2.14 The comments in this section combined with those from earlier in this submission clearly demonstrate the considerable weakness in Port Erin’s case with regard to this matter. Port Erin has little if any of the features described in this criterion and, unlike Rushen, Port Erin has no plans to provide new facilities for the community.

#### **4.3 That the area sought is an overspill or outgrowth of the promoters’ area;**

4.3.1 While the Commissioners note the comments contained within the Planning Officer’s Report on which Port Erin Commissioners rely, it is clear that the Ballakilley development adjoins three previously developed areas, namely in Rushen and Port Erin and to a lesser extent Port St Mary.

4.3.2 That the Planning Officer chose to ignore the much longer established community and residential development at the Four Roads, Port St Mary and in Rushen, does little to advance the Port Erin Commissioners cause. The visible fact is that Port Erin is a relative newcomer to this area and only because it won previous boundary extensions onto former Rushen land.

4.3.3 It is also clear that the planning officer speaks with no authority in relation to the Local Government Act 1985 and its provisions for possible boundary extensions. As can be seen from comments made to the consultation, there are many places in the Isle of Man where local authorities share new developments, respecting long standing boundaries.

4.3.4 Adrian Tinkler again makes some compelling points regarding the Southern Area Plan *“I question the need to consider a modification that was not raised during the lengthy consultation period of the Plan and to my knowledge not raised at any public meetings, some of which I attended, in the early stages.”* *“The development from the outset was clearly contemplated in the Southern Area Plan, one that all sides bought into at the time, as being a joint shared development.”* Indeed, during this process Rushen put forward a number of sites for development adjacent to its main settlements but the only site of any significance that eventually made it into the plan was Ballakilley.

4.3.5 Mr Tinkler added *“If PEC at the time were aggrieved that “injury is suffered” by virtue of the absence of available alternative land when the development was first mooted then they should have sought to have this formalised during the lengthy consultation period prior to the Southern Area Plan being finalised.”*

4.3.6 Opponent of the proposal, consultee 437355335 made the point that *“The application for planning consent and the granting of consent were made in the full knowledge that the site was partly within the Port Erin and partly in the Rushen boundaries and this was taken on board by the developer and the house purchasers.”* Again, Rushen Parish Commissioners contend that this site is the only significant area identified for housing in Rushen Parish in the



Southern Area Plan and it would be grossly unfair to snatch it away from the Parish at this late stage.

4.3.7 Ballakilley residents Howard and Jean Wray state that *“Everything was made very clear at the outset as to which Parish people would be in and the contractor went to great lengths to get the streets and names appropriate to the boundary.”* ..... *“This appears to be no more than a money grabbing exercise which will double our rates, with absolutely no benefit to us, who use facilities Island wide. Rushen Parish need the rate money for the recreational facilities to be provided.”*

4.3.8 Nick Onyemem & Katharzyna Onyemem who also live in Rushen’s part of Ballakilley explained that *“... resentment would be created between residents should the decision be made to bring the entire site under Port Erin, as there is no discussion of a need to change being made by anyone here.”*

4.3.9 Rushen Parish Commissioners strongly argue that this development had always been clearly stated as the only expansion available for Rushen in the Southern Area Plan. The site is surrounded by Rushen on three sides and were this proposal to gain approval it would cut right through Rushen dividing parts of the Parish and setting them up to be taken by Port Erin in future boundary extensions.

**4.4 That, wherever possible, clear physical boundaries are followed;**

4.4.1 The current boundary between Rushen and Port Erin is already reasonably clear although as previously stated, a stronger argument could be made that the Port Erin part of the Ballakilley development should be absorbed into Rushen.

4.4.2 The whole site is accessed through Rushen, the site adjoins many of the facilities residents will use which are in Rushen, and when the Rushen recreation and sports facilities are completed next year these will also tightly adjoin the site.

4.4.3 As stated above, this latest boundary extension application, if it is successful, will divide key features of the Parish from the community they have always been part of. The proposal would make for a very untidy and uncomfortable boundary between the two authorities’ districts, poking a finger of residential properties between the Rushen facilities mentioned above.

4.4.4 Port Erin’s reliance on references to a green gap is farcical as the ‘green gap between Rushen’s school, residential home and doctor’s surgery has just been obliterated by the Ballakilley development. The ‘green gap’ to the north of Ballakilley will soon be a series of recreation and sporting facilities supported or provided by Rushen Parish Commissioners.

4.4.5 There is a very clear, very straight boundary which very obviously marks the boundary between the two authorities’ districts as shown by the photographs below. The red paved road together with the clear and distinct signage in the estate leaves little doubt over where the boundary is.



4.4.6 Consultee 717590807 and Ballakilley states that “... *there is an argument that the ‘community’ is all part of Rushen.*” ... “*The Mount Murray Housing Estate could be argued as one self contained area, however it is in both Braddan and Santon.*” ..... “*The recreational facilities for the estate including playing fields and public spaces are all to be created on land owned by Rushen Commissioners.*” ..... “*We would argue that this estate is not an extension of the Pony Fields estate; that estate having been completed over 20 years previous and by a different developer, with a totally different layout and feel.*” .... “*Are all Parish boundaries clear physical boundaries? If not, then should this test apply here? For instance on the Colby road the Parish changes from Arbory to Rushen as you drive along the road.*”

4.4.7 As described in the introduction to this submission, boundaries between countries let alone local authorities often occur in places which may not always suit a bureaucrat’s pen. The photographs above show a clear straight boundary which shows the division of responsibilities of respective authorities, but not necessarily a divided community.

4.4.8 Interestingly the Arbory and Rushen boundary referred to in 4.4.6 runs right through the middle of a property at the top of Beaton’s Lane. Not unsurprisingly, Arbory and Rushen Parish authorities manage to service this property without any great difficulty. Indeed, Rushen has a very good and positive working relationship with its neighbours in Arbory and Port St Mary.

**4.5 That there is insufficient acreage left for the development of the promoters’ area within its borders and injury is suffered thereby.**

4.5.1 It is clear from Port Erin’s submission here that they were unable to find any strong case to support their argument regarding this point. The Ballakilley development in Rushen is now largely finished and occupied.

4.5.2 As stated above, despite strong attempts by the Rushen Parish Commissioners and local MHKs to have some development sites closely attached to Rushen settlements, this was rejected by the planners and the only significant development site designated for Rushen in the Southern Area Plan was at Ballakilley. Indeed, there are only a few sites designated for residential development left in Rushen after the now complete Ballakilley development, and these are for just a handful of properties.

4.5.3 If Port Erin’s application is successful, Rushen will lose its only significant residential development site and will have to wait for more than a decade, and a new area plan, before any further residential expansion in the Parish may proceed. For the next ten to twenty years

there will only be the possibility of three new properties being built in the very large area of the Parish District of Rushen.

4.5.4 Port Erin has seen significant development over the past ten to twenty years with several estates being built, and several hotels demolished to be replaced by apartment blocks.

4.5.5 Looking specifically at hotel and guesthouse conversions in Port Erin, within the past twenty years the following have taken place:

Eagle Towers: 9 apartments, Eagle Mews: 12 houses, Milner Towers: 12 apartments, Erinville: 6 apartments, Princess Towers: 20 apartments, Snaefell Towers: 8 apartments.

Within the past ten years the following conversions have taken place:

Imperial Heights: 12 apartments, Imperial Lodge: 8 apartments, Maine Court: 5 houses, Station Hotel: 6 apartments, Orange Grove House: 8 apartments, Windsor House: 9 apartments.

4.5.6 These lists are not exhaustive and concentrate on developments on former hotel sites on the Upper Promenade and the centre of the Port. The time frames given are approximate, but this shows that from tourist accommodation conversions alone Port Erin has seen significant expansion.

4.5.7 There are also now a further three vacant former hotel sites on the Upper Promenade which are likely to be developed as apartments. It would be reasonable to expect these sites to accommodate similar numbers of units to those quoted above.



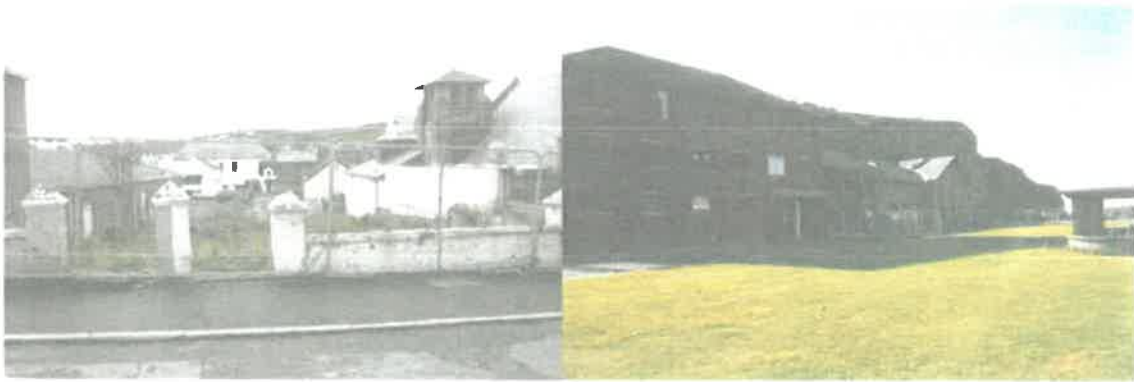
4.5.8 Further Brown field sites exist on:

Bay View Road: the former Strix Building and the demolition site adjacent to it.

Derelict Property on Strand Hill.

The former Port Erin Marine Laboratory.

In addition, the Falcon's Nest Hotel occupies a large site in the centre of the village and could potentially be wholly or partly developed as apartments at some time in the future.



4.5.9 The above clearly illustrates that Port Erin has hardly been constrained by lack of property development within its existing boundaries in the recent past nor is it likely to be for some time to come. However, the proponents of this boundary extension must realise that even Port Erin cannot go on expanding indefinitely.

4.5.10 In comparison, multiple unit developments within Rushen Parish in the last ten to twenty years can be summarised as follows.

Within 20 years:

Croit e Caley: 2 infill sites, 6 houses each

Carrick Bay View: 12 houses

Within 10 years:

Ballachurry Farm: 5 houses

Bradda View Grove: 12 houses (recently completed)

Shore Road: 3 houses (recently completed).

4.5.11 Again, this list is not exhaustive, and single houses have been constructed in various locations, but it does illustrate the relatively low level of development that has taken place in the Parish of Rushen within the last 20 years or so.

4.5.12 This is compounded by the previously stated fact that, except for Ballakilley, the most recent Southern Area Plan allowed for a grand total of three potential new houses to be constructed within the whole of the Parish for the life time of the Plan (at least fifteen years). This was despite Rushen Commissioners suggesting various potential small, low impact sites within existing villages or settlements. All were discounted on the grounds that they were "unsustainable" locations i.e. further than a one kilometre walk to the nearest shop (despite all being on bus routes).

4.5.13 Rushen therefore suggests that it can be clearly demonstrated from the foregoing that it is Rushen Parish and not Port Erin, the promoters of the boundary extension, who have insufficient acreage left for the development of their area within its borders and are likely to suffer injury thereby.

4.5.14 The new houses constructed on the Rushen section of the Ballakilley site comprise the only potential for significant residential development within the boundaries of Rushen for the best part of two decades.

4.5.15 Port Erin on the other hand has already taken the greater part of the Ballakilley site as part of its allowed expansion under the Southern Area Plan and has several large sites within its district which can be developed for residential use.

4.5.16 Former Rushen Parish Clerk and long standing Rushen resident Mrs Gillian Kelly struggled to hide her irritation with Port Erin. *“The statement made by Port Erin Commissioners to the criteria – ‘That there is insufficient acreage left for the development of the promoters’ area within its borders and injury is suffered thereby’ is laughable and blatantly untrue and should not even be considered. Within the Village District of Port Erin there are many large ‘brownfield sites’ which will (and have done so in the past few years) provide the equivalent number of houses as a large estate would.”*

4.5.17 As John Warters, Ballakilly resident put it *“Port Erin are growing exponential - their business model is one of expansion.”*

4.5.18 Local resident and consultee 853625104 stated that Rushen Parish Commissioners *“... rightly expected that they would receive rate income from the homes within the Rushen parish boundary with the resultant funds being available to assist with costs for the work they carry out in the whole parish. If the boundary extension goes ahead the burden will fall on the households remaining in the parish.”*

4.5.19 Finally non-resident Frank Harrison, brings us back to the real motivation for this proposal. *“I understand the logic of changing boundaries if an opportunity arises however it only seems to arise when one party sees an opportunity to increase their rates income. I would prefer to see the discrepancies in services provided to neighbours, dealt with by agreement between the adjacent LAs ...”*

4.5.20 Rushen agrees with Mr Harrison’s statement and the Commissioners are working with Port Erin Commissioners to try to agree an appropriate level of financial support.

4.5.21 As previously stated, Rushen Parish Commissioners are of the opinion that Port Erin’s justification for its proposal is very weak. Among the series of very weak statements of case though Port Erin’s justification for this criterion is undoubtedly the weakest. They simply have no credible case they can put in this matter.

**4.6 That the balance of advantage lies in the acceptance of the scheme, though it may generally be admitted that the area sought may be valuable in various ways to the local authority by whom they are now governed;**

4.6.1 Rushen Parish Commissioners do not consider that the balance of advantage lies in the acceptance of the scheme in view of the comments made on the previous criteria. The Parish of Rushen has ‘insufficient acreage left for development within its borders and significant injury would be suffered by Rushen’ whereas Port Erin still has considerable opportunity for development.

4.6.2 One of the consequences of approving the proposed extension would be a substantial loss of rate income to Rushen Parish Commissioners which will jeopardise the Commissioners ability to fully develop the sporting and recreation facilities which are so desperately needed and so sorely lacking in the area. While it is recognised that the Inquiry is precluded from considering the financial impact of decisions relating to boundary extensions, the impact on much needed facilities from the lost rate revenue, must seriously detract from any perceived balance of advantage.

4.6.3 In other areas of the Island, boundaries have been respected by neighbouring authorities even where boundaries slice through residential developments. As previously mentioned, the Mount Murray Development is amiably situated partly in Santon and partly in Braddan. The

development was finished some years ago and neither local authority felt the need to make a bid for a boundary extension either then or now.

4.6.4 The financial impact on individual Rushen residents of the lost rate income and household waste charge would be equivalent to an eleven pence in the pound increase in their rates, based on the currently available financial information from Treasury Rates Section and assuming that Rushen choose to continue with the Parish's current spending plans. This significant increase is in the region of a ten percent increase for Rushen ratepayers.

4.6.5 Rushen ratepayers responded to the DoI consultation as follows. Consultee 975675091 stated "*Am concerned the costs of a reduced Rushen will increase & spread across remaining Rushen ratepayers.*"

4.6.6 A resident who responded to the consultation as 702108881 stated "... *this will have impact on existing Rushen rate payers as rates collected will drop, this could cause services such as pavement clearing falling or rates for existing rate payers may increase in order to cover the shortfall.*"

4.6.7 While the impact on Rushen's ratepayers will not be as dramatic as the financial impact on Rushen's Ballakilley residents, the rate increase required to fund existing services will be significant, especially when added to the likely inflationary increases which will need to be passed on to the ratepayers.

4.6.8 As Rushen resident Derek Cain put it "...*the village (Port Erin) is kept tidy and the beech and glen are always in good order but they have the rates from the shop keepers and businesses and well as their residents to pay for it. The steam train brings scores of tourists to the village for as far as I know no cost the Port Erin ratepayers. Rushen commissioners have for a long time made contributions to the Herdman library and a donation to the November firework display which is enjoyed by all not just Rushen and Port Erin rate payers. In effect the impact for Port Erin will be minimal win or lose.*"

4.6.9 Of much greater concern however is the following issue raised by Adrian Tinkler "*The change proposed is penal for those involved, given the fact that when the original planning application was made there was no suggestion of a future redrawing of the boundary and no basis for an appeal now other than perhaps by an expensive Doleance pleading.*"

4.6.10 Mr Tinkler's comments are echoed by several Ballakilley residents opposed to the scheme. Consultee 169281249 said "*One of the reasons that we chose our property was the reasonable Rates, and our main concern is that if our home is moved to Port Erin the rates will rise substantially. As newcomers to the Island, we will naturally not be able to work as non-Isle of Man Workers and we have savings to afford supporting ourselves for the five years until we can work, but are concerned that higher Rates could make the difference between living comfortably or on a shoestring.*" They have serious concerns over their ability to pay the substantial increase.

4.6.11 Consultee 205872446 stated "*I am a first time buyer and have purchased the property alone. Should Pt Erin take over the full estate, this will have a considerable impact on my rates, and therefore my budget requirements as a sole homeowner.*"

4.6.12 Similar concerns were expressed by consultee 591209118 "*Gaining more rates aside, there is really no advantage to Port Erin Commissioners, therefore, this must be a money grabbing exercise. I own a buy-to-let property on the estate, but am also a Rushen resident. I*

*currently have my own bins emptied every other week, and even then, with a household of 4 people, never have an over-flowing bin."*

4.6.13 Consultee 1055614039 echoed the point. *"I have budgeted my income to take in account of current rates and their valuations. "... Rushen Commissioners could come to an agreement to assist with the funding of those facilities likely to be used by the sixty six properties."*

4.6.14 Consultee 149429238 stated *"we think it would be terribly unjust to change someone's address and for them to have to pay much higher rates which will very much affect our financial stability."* They also repeat the point that this should have been made clearer before property was sold.

4.6.15 Consultee 343729797 explained *"I am extremely happy with all the services provided by the Rushen Parish Commissioners. It is good value for money. They are a small outfit who look after their clients and maintain the cost of running the Parish within the an affordable budget while maintaining good services. "This is environmentally friendly. The increased cost of a weekly collection is an extra expense for a redundant service. " If there were agricultural land with no houses built on it which will generate more revenue for Port Erin Commissioners would they be so keen to acquire this land?"*

4.6.16 Consultee 551433995 said *"I strongly oppose the proposed extension. " "... this will in fact be detrimental to my family" ... "... this will have a financial implication for my family and I; we have lived in our house since January 2018 and before moving have budgeted based on information available to us. The increase of rates in these times of ongoing inflation will put us under unnecessary financial stress."*

4.6.17 Ballakilly resident Stella Craine stated *"If the proposal is successful, all the households affected would be financially worse off having to pay higher rates. We would gain nothing from the change except having our bins emptied weekly instead of fortnightly. " ... "To change it now is moving the goalposts and unfair to householders affected who have bought their properties in good faith."*

4.6.18 Ballakilly resident Richard Flowers explained *"This property was purchased from dandara the developer because it was in the district of Rushen and serious consideration was given to the level of cost involved. Had I been aware that two years later the cost of local authority land tax was going to double then I would not of purchased it. If money was no object then this would not be a problem but it is and a serious one at that."*

4.6.19 Consultee 502769722 also a Ballakilly resident stated *"It is unfair to allow us to buy a home in a proposed area and then decide to change it. Rushen commissioners deserve a fair share of payments."*

4.6.20 Consultee 948593719 explained *"I am a new resident of rushen and purchased my house because it was in Rushen! .....Had I known this, I would not have purchased my house. It's totally unfair!"*

4.6.21 Ballakilly resident Jon Willis stated *"The work of the existing Commissioners is fantastic and I strongly object to the likelihood of paying a higher rateable amount."*

4.6.22 Finally Ballakilley resident and consultee 717590807 asked “*Can the enquiry consider the financial impact of the rate change on homeowners, with budgets or change that wasn't anticipated, or budgeted for.*”

4.6.23 The vast majority of Ballakilley residents who responded to the consultation raised the real financial harm that will be caused to them as individuals. They are right to do so as on average they will pay an extra £247.68 per household based on the current rates charged in Rushen and Port Erin and the figures available from Treasury's Rates Section.

4.6.24 Residents point to the considerable unfairness of authorities 'shifting the goal posts' after residents made conscious choices to move to Rushen to avoid the extra rates burden which some residents have stated will put significant pressure on their finances. Residents seen no balance of advantage in accepting the scheme and indeed believe that they will suffer financial harm.

4.6.25 Of the eighty respondents to the DoI consultation, less than a quarter saw any advantage in accepting the scheme and most of those framed their support around local government and rates reform rather than any of the criteria which the Inquiry is empowered to consider.

4.6.26 As things stand if the proposal succeeds Port Erin is set to gain £34,008 pounds per annum and Rushen will lose £15,927. The current figures do not include all the properties, as a few are yet to be valued, and also a number of properties currently have a rate reduction due to the nuisance caused by the on going, though almost complete, development. These headline figures for the gain and loss for each authority will therefore increase.

4.6.27 While it is appreciated that the financial impact on the authorities cannot be considered by the Inquiry, it is clear that the loss to Rushen is equivalent to an 11p in the pound increase in rates. The significant investment which Rushen intends to make in relation to the recreation and sporting facilities will inevitably be jeopardised were the proposal to succeed.

4.6.28 All of these recreational areas will be used by people from Rushen, Port Erin, Port St Mary, and most likely further afield. The residents of Ballakilley will be very close to the new facilities and will have direct access to all the recreational areas. To develop and maintain these facilities Rushen will require rate increases from the whole Parish including the new Ballakilley houses.

4.6.29 It is clear that in relation to play and recreation and sporting facilities harm will be done by accepting the proposal as well as a breach of natural justice, in that Port Erin will benefit from the housing development, permission for which relied significantly on the green space and recreational facilities which Rushen will be left to develop. Surely there can be no balance of advantage in this proposal?

4.6.30 In summary, Rushen Parish Commissioners contend that there is not a balance of advantage in accepting the scheme. Significant financial harm will be done to Rushen's Ballakilley residents, remaining Rushen rate payers will see a near ten percent increase in their rates unless services are reduced, and the successful development of the Ballakilley playing fields and recreation space will be jeopardised.



4.6.31 Added to this Rushen will be limited to three new domestic properties during the remaining life time of the Southern Area Plan whereas Port Erin can expect well over a hundred. Also, as has been clearly demonstrated there is no existing harm or confusion in the way in which the development is clearly split between the two authorities and Port Erin has failed so far to demonstrate any advantage in accepting the proposal.

**Phil Gawne**  
**Clerk to Rushen Parish Commissioners**  
**for and on behalf of Rushen Parish Commissioners**

**14<sup>th</sup> December 2018**



**Further Submission regarding the Ballakilley Boundary Extension Claim by Port Erin Commissioners**

Dear Mr Chairman,

I wish to re-register my core objections to the claim by Port Erin Commissioners by emphasizing the negative personal impact this claim has on me without any benefit whilst additionally putting at risk the very positive development of the Rugby, Sporting and playground facilities and pitches zoned for such purpose alongside the Ballakilley housing development.

Port Erin Commissioners will demand that I pay significantly more in Rates without any beneficial return. Rushen 2018/19 Rate in the £ is 98p whilst Port Erin Rate in the £ is 302p. Refuse collection in Rushen is £67 whilst Port Erin is £174. I have only recently purchased my first home and have a tight budget. When buying the property I factored in the expected rates from Rushen not knowing or expecting that I could face a material increase almost immediately after moving in. I am sure my financial position will be very similar to many others that have bought a new property on the Ballakilley-Rushen estate.

The claim by Port Erin Commissioners that all the occupants of those houses predominately use Port Erin facilities is fundamentally flawed.

The Amenity site, the Primary School and the Southern Doctors Practice are all in Rushen and the Doctors/Dentist/Health Centre are all in Port St Mary. There is a much stronger case that Port Erin residents are using Rushen and Port St Mary facilities rather than the other way around.

There are no grounds or any reasonable rationale for Rushen rate payers on the Ballakilley estate to pay more to Port Erin whilst risking the loss of new Sporting and recreational Facilities in the area. Facilities that would also be available to Port Erin and Port St Mary residents. It is noticeable that Port Erin Commissioners have not made a similar claim against Rushen for the adjacent land zoned as Recreational ie Rugby/Sports Facilities. This land requires investment and is being avoided by Port Erin leaving Rushen to pick up the costs. Port Erin Commissioners are clearly 'Cherry Picking' the land that suits them.

Port Erin Commissioners and residents have already gained significant cash having benefitted from a much larger development of houses on the Ballakilley estate. Despite this windfall they now want more by trying to take from Rushen. This may well be invested in a proposed new Glamping/Camping/Caravanning site directly opposite to Rushen's Sports & Recreational project.

The Glamping/Camping/Caravanning site may be a worthy project in its own right but not at the possible expense of Rushen's Sports and Recreational plans.

**Local residents of Rushen/Port St Mary/Port Erin will benefit to a greater extent having new Sports/Recreation Facilities than a Glamping site.**

**The Port Erin Commissioners claim simply highlights an unworthy attempt to increase income whilst trying to avoid the cost of a very worthy sports & leisure project potentially denying the residents of Rushen/Port Erin/Port St Mary the use of health and fitness sporting facilities close to their homes.**

**In summary, my objections to this proposal is not only based on the increased expense for individuals such as myself but it is also about the best use of resources for the benefit of all the residents of Rushen, Port St Mary and Port Erin.**

**Perhaps there is a stronger case for consolidating Rushen, Port St Mary and Port Erin rather than Port Erin constantly trying to grow at the expense of the others.**

**I believe Port Erin Commissioners proposal should be refused.**

**Amy-Jayne Clark**

**Ballakilley,**

Noting the deadline later today for further "evidence" and given my original submission included some abstract references to changes in government policy and legislation outside the remit of this Enquiry I would like to respectfully invite the Chair to consider the following additional key points:

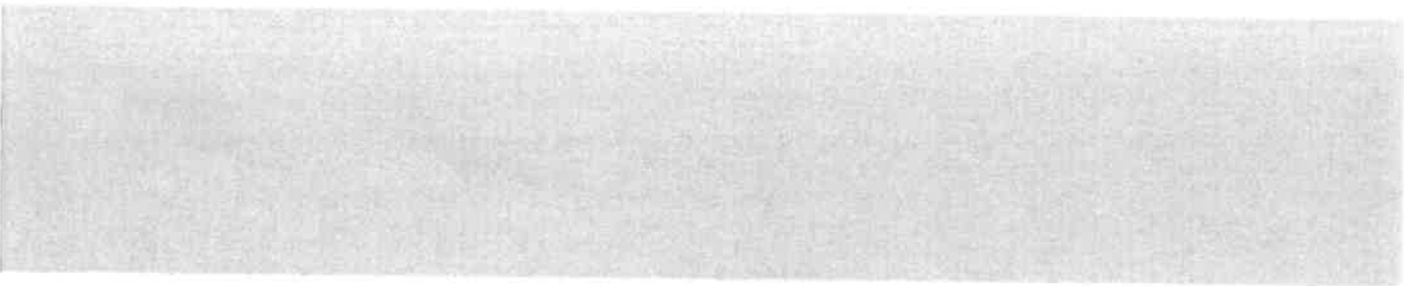
- I believe it is unfair on the residents of Rushen affected, and not in the spirit of the 1985 LA Act per se, to penalise them financially by a redrawing of the boundary at this time, given much higher village rates.
- The said Act is deficient as to the rationale and criteria for a boundary change; the rules and methodology adopted appear to have largely been drawn up and/or interpreted by Comin, which is far from ideal.
- while I accept with some skepticism ruling out the financial impact for each LA affected I question the appropriateness of this, since if there was no financial incentive for one LA over another then it seems unlikely there would have been any appetite to change the boundary. This is borne out by the fact that the proposed new boundary leaves out certain key community infrastructure such as the school and New Southlands which have minimal rateable income.
- I am aware as an elected Port Erin Commissioner that my stance is at odds with my fellow Commissioners, since they support the proposal and were unwilling to debate it with me. My view is that the community as a whole would benefit more longer-term by a less divisive measure than what is proposed, in the spirit of partnership between neighbouring Authorities.
- To be equitable, fair to all, I would trust that if Port Erin Commissioners have a successful outcome that the cost of the enquiry and related departmental time is not borne by the taxpayer and that Rushen Commissioners are reimbursed for any related costs incurred in defending the action.
- I am happy to accept Interested Party status if the Chair considers any of the points I have raised merit further discussion, otherwise I rest my case.

Thank you for your time

Kind regards,

Adrian Tinkler





To whom it may concern

My husband and I are rate payers for two properties in the parish of Rushen and object strongly to Port Erin wanting to commandeer what is in the Rushen boundary. They are greedy and run an expensive office. Where as if they had an office run like Rushen Commissioners it would cost a lot less.

The Ilse of Man cost of living has gone up substantially in the last while. An item of food I paid £2 for less than a year ago has gone up to £3:50. The water tax and lavatory tax is very expensive and by switching them around it is going to cost slightly more.

By living in the Rushen area we get our bins emptied once a fortnight which suits perfectly. Where as having them emptied once a week only encourages more waste

Which has to be disposed of.

Hoping you will take this into account







## Willoughby, Stephen

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**From:** Daniel Gordon <danjgordon@protonmail.ch>  
**Sent:** 06 December 2018 12:24  
**To:** DOI, Local Government  
**Subject:** 1 Meayll Drive, Ballakilley, objection to proposed Port Erin Boundry Extension

Dear Chairperson,

I live at 1 Meayll Drive, Ballakilley in the parish of Rushen with my family and I want to object to the proposed Port Erin Boundry Extension.

The reasons for my objection are as follows :

1. There will be an rates which is not just about the cost it's also about the impact it will have on me, my wife and daughter. We will no longer have the options of going for educational days with my daughter, going to museums and other important local attractions or have the options of paying for swimming lessons or simply having the finances to buy her the things she wants or needs. It will simply makes things tougher and for no reason.
2. I do do feel part of the Rushen Parish and I have no desire to be part of Port Erin, I simply see no benefit for me and my family.

Kind Regards

Daniel Gordon

Sent from [ProtonMail](#), encrypted email based in Switzerland.

Sent with [ProtonMail](#) Secure Email.





**F.A.O. Mr G F Karran MBE, Chairperson of the inquiry**

**Dear Mr Karran**

**We are writing to give our comments on the proposed Port Erin Boundary Extension. We moved into new house in Fleshwick Close a few months ago. Our views are as follows:**

**1 We are very pleased with the services provided by Rushen Parish Commissioners**

**2 We are happy being a resident in the Rushen Parish and community**

**3 If it changes and we become part of Port Erin we will need to pay much higher rates for no additional services**

**4 One third of the Ballakilley estate is in Rushen Parish and we think it should stay that way, why change?**

**We do not wish to take part in the Inquiry but would appreciate you taking our views into consideration.**

**Yours sincerely**





Dear Chairperson

I have have just moved into my new house in Ballakilley and have been made aware of the boundaries issues and it is for this reason that I am emailing you.

I am also aware of the deadline for the submission of notice was the 14th December however, we only moved into the property at the beginning of this week and have since travelled to [REDACTED] to spend Christmas [REDACTED]  
[REDACTED]

We would like to remain with Rushen Commissioners for a few reasons.

Firstly, we do not require our bins to be emptied every week. We are a household of two and it would be completely unnecessary for us to have our bins emptied more than once a fortnight and a waste of money.

My family resides on The Howe which is part of Rushen Commissioners and we have never had any issues with the Commissioners and have been happy with the service provided.

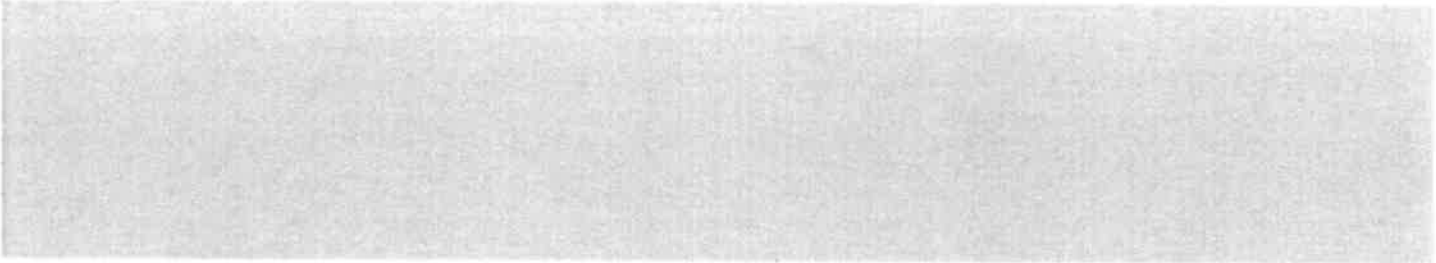
As mentioned above, in general, we are concerned with the financial aspects given the rates are higher for Port Erin Commissioners. We are only a household of two and would be paying for services that are either not needed or not needed in their frequency. Having witnessed the provision of the services provided by Rushen Commissioners, we feel these more than meet our needs.

As such, I hope you accept the notice as our wish to remain with the Rushen Commissioners and again, apologies for the late submission given our travel.

Best regards,







Dear Sir / Madam

Further to your response you have already received regarding the Ballakilley estate, I would like to make it know that I too object to this proposal.

As a previous resident of Rushen Parish I was delighted to learn that my new address fell into the same Parish, as I found the system and the amount of collections perfect for our needs.

Changing this to another Parish who are also saying that they do weekly visits is a waist of money and resources. I will be lucky to fill half a wheelie bin in a week. So how could this be a benefit or value for money??

Regards  
Wayne Duggan

Sent from my Samsung Galaxy smartphone





CHAIRPERSON  
c/o LOCAL GOVERNMENT UNIT  
DEPT OF INFRASTRUCTURE  
SEA TERMINAL, DOUGLAS.

DOI  
Sea Terminal  
14 DEC 2018

BALLAKILLEY

12 December 2018

Dear Sirs,

RECEIVED

Re BALLAKILLEY 'ANNEXATION'

I am opposed to the proposed attempt by Port Erin Commissioners to take within their boundaries the remaining part of the new Ballakilley estate.

I am not familiar with the historic background to this matter as I have only very recently taken up residence here.

If Port Erin has shown no interest in this site when it was agricultural land and now has an interest now that there is an estate of houses to look upon as a source of income to their coffers, I have no wish to support such a cynical attempt to widen their boundaries.

I do not want this predatory 'bullying' to prevail — there is enough of this happening in the wide world without having to encounter it at a local level.

I want to feel happy in my new home and starting out with a negative attitude towards the Commissioners will have an adverse effect







Dear Sir/Madam

I write to you as a concerned home owner in the Rushen part of Ballakilly.  
I have been advised that we are an interested party and I wish to voice my concerns.

We bought our house in Rushen for a reason. We want to be apart of the Rushen parish. We also chose Rushen due to the favorable rates and because we simply couldn't afford the rates in Port Erin.

So what happens if we are taken by Port Erin and we can no longer afford our rates?! Who is going to help us with that?

We do not wish to be taken by Port Erin and will do anything in our power to fight it so please advise how we can do that.

I have written to you previously and not even has a receipt notification.

Please advise us on what we can do to fight this.

Regards





**The Chairperson**

I wish to submit my views regarding the above, and to let you know the effect the change would have on me personally.

I have no wish to become part of Port Erin. In my circumstances it would cause more financial stress than I have already. My husband has Alzheimer's dementia and is in the late stage of the disease. He was a resident in [REDACTED] for nearly three years. We had to pay the full amount of the fees for this. Then [REDACTED] said they could no longer deal with his needs, and in August this year he had to be moved to [REDACTED]. The fees increased dramatically, they are £4,171.00 per calendar month. Government pays £150 per week towards nursing care, and currently the lower rate Attendance Allowance of £52.80 per week. We have to fund the remainder.

I downsized from our home in Port St Mary to help the financial situation. Having moved from my lovely home to a small 2 bedroom bungalow to have less expenses, I don't see why I should have to have any unnecessary, and unexpected increases for any reason beyond my control! I think it would be totally unfair!

If this goes ahead are there other parishes in danger of being taken over without the consent of residents?

Yours sincerely  
[REDACTED]

Sent from my iPad



## Port Erin Commissioners Boundary Extension Application

### Why has Port Erin Commissioners applied for a boundary extension?

The Boundary Extension application makes these statements clearly.

Port Erin Commissioners (PEC) met with the developer prior to the planning application and Rushen Parish Commissioners (RPC) before building work on the new housing estate commenced. PEC highlighted that the boundary running through the development raised issues such as differing waste solutions, byelaws, grass cutting and street light timings and that it would be unfair that a dwelling on one side of the road would be paying a different amount of local authority rates to an identical dwelling on the other side. Whatever people's views may be on the rating system or historical boundaries, having identical houses on the same housing development paying differing amounts is fundamentally unfair. Different contractors and workers performing different tasks at different frequencies across the same development cannot be the best use of resources.

### Why has the application taken so long?

Port Erin Commissioners raised the issue of the boundary initially in 2013 and then formally raised its intention with Rushen Parish Commissioners and the Department of Infrastructure in 2014. The guidance given, and steps issued by the Department were followed. Those steps were somewhat convoluted and seemingly now the initial meetings appear to have been unnecessary. There has been toing and froing with the Department on the wording of the order and the process and legal guidance has delayed the process. Previous Boundary Extension Applications have not taken as long.

### Approach

From the outset, Port Erin Commissioners has said its application should be based on its own merits. It has not engaged with consultants nor advocates and will rely on the public inquiry to allow members of the public and the two local authorities to put forward their views. PEC has not reacted to the various remarks raised by other parties to the media and residents as it was felt that those comments of that nature would detract from the discussion. PEC has not lobbied for support from residents of either authority. RPC Newsletter Autumn 2018 has on its front page "Ballakilley Land Grab". Land grab means "an act of seizing land in an opportunistic or unlawful manner." This is neither, as RPC has been aware of this boundary extension application since 2014. "The move by Port Erin is blatantly an attempt to increase their rates income at the expense of Rushen Parish." This is not the case. Port Erin is in a healthy financial position and sets its rates accordingly. It has been the view of Port Erin Commissioners from the outset that the development is an overspill of Port Erin.

### View of Fairness

The estate is clearly one estate which has been built onto the side of the settlement of Port Erin village. This is evidenced by the marketing of the estate as "Ballakilley, Port Erin". It is unfair to have the same specification houses on the same estate to be paying differing amounts for local authority services. To quantify this unfairness, a 2-bedroom public sector dwelling within the Port Erin side of

the estate currently pays £314pa local authority rates whilst a 5-bedroom property with a sales list price of £648,950 on the immediate Rushen boundary pays £302pa. Irrespective of any general arguments regarding the rating system, which are not relevant to this inquiry, this disparity on the same estate is grossly unfair.

With the existing boundary, there are differing byelaws applied to each area. The dog byelaws in Port Erin are currently being reviewed. Those in Rushen we understand have recently been reviewed but did not appear to include the central green area within the estate. The proposed byelaws in Port Erin appear to vary significantly from those within Rushen.

The current streetlight timings differ between each local authority area. With the entrance of the estate from Church Road, any driver entering the estate after midnight does so without any street lighting until they reach the mini roundabout adjacent to the green. Those houses on the left will have their street lights on until 1am whilst the other side of the green has streetlights which are turned off at midnight.

Port Erin street light timings for the mornings are to ensure that any members of the public using the first public transport bus service can do so safely with streetlighting to walk to the closest bus stop on Castletown Road in Port Erin.

The current street light timings are as follows:

<u>Port Erin</u>		<u>Rushen</u>	
Mon – Sat	D – 0100, 0515 – D	Mon – Sun	D – 0000, 0700 – D
Sun	D – 0100, 0700 – D		

Should Rushen Parish Commissioners change the street light timings just within the Ballakilly estate, one may question whether that is fair to other Rushen ratepayers who may also wish to have different street light timings.

The issuing of peddler’s licenses by differing local authorities may also cause issues. The existing policy of Port Erin Commissioners is to support local businesses within its village. Mobile operators such as ice cream vans may apply to the local authority for a peddler’s license. In one recent instance Port Erin Commissioners did not issue a license yet Rushen Parish Commissioners did. One part of the estate is, therefore, served by an ice cream van even though this is not supported by the local authority for most of the houses on the estate.

Port Erin Commissioners currently operates a weekly refuse collection with a joint refuse arrangement commencing in the new financial year with Malew Parish Commissioners. The refuse charge per household is an additional charge to the rates in Rushen Parish which is currently £67pa per household. The PEC refuse round is considerably different to RPC and collects from 86 businesses, with 15 of these requiring more than one collection per week and many of those businesses having more than one bin. PEC also operates a localised bring bank service, which includes the Ballakilly estate, allowing residents to easily recycle paper, glass and metal cans. PEC also encourages members of the public to recycle via the Government Bring Banks within the village as well as using the Southern Civic Amenity Site to which it contributes £60,000pa towards the operational costs. As part of the working arrangement with Malew Parish Commissioners, PEC is currently investigating the feasibility of rolling out a garden waste collection service.



## Rushen Newsletter & Letters

The RPC newsletters, letters to residents, website and statements to the media have been factually incorrect and misleading. Using terms such as “land grab”, “rates grabbing” and stating that rates would double could be deemed by some as inflammatory.

Peter Gunn stated, “Residents who have moved into the new Ballakilley development in Rushen would see their rates more than doubled if the Port Erin move succeeds. Unfortunately, the rate money from Port Erin’s three previous boundary extensions, which could have helped Rushen improve services in the parish, appears to have been spent instead on expanding Port Erin’s administration functions rather than improving services.”

The rates will not double. Port Erin’s administration costs are 82% of what they were in 2010 before factoring in inflation. This is all public information and could have been easily checked ahead of putting this in print.

Some of the submissions refer to a letter received by residents from RPC which indicates that all Ballakilley residents will receive for an increase in rates is an additional refuse collection. PEC offers significantly more services than RPC and its refuse service offering is very efficient in this regard and it can be demonstrated that the cost per household for its weekly service costs less per household than RPC. With PEC entering into a collaboration agreement with Malew Parish Commissioners, this efficiency will only further increase.

## Precedent

Port Erin has grown considerably over the past 100 years. As such PEC has made previous Boundary Extension Applications with other new (at the time) housing estates being built as an overspill onto the side of Port Erin. Most recently, these have been at Ponyfields in 1991 and Ballahane Meadows in 2001. The rationale for the extension on both occasions was the same as for this application. The Boundary Extensions on both occasions have not actively sought to encompass existing dwellings. Due to the procedural delays with this application most of the dwellings have now been built and are occupied. The previous boundary extensions have also considered that the new build also connects into the sewerage system of Port Erin. This is also the case on this development at Ballakilley, but as the sewerage system is now managed entirely by Manx Utilities, this is not being proposed as an argument, but an observation of previous considerations.

Rushen Primary School used to be surrounded by fields when it was originally built, but development over time, such as Southlands Resource Centre, Southern Group Practice and the Ambulance Station (now Rushen Fire Station) as well as Reayrt y Chrink sheltered accommodation, has effectively joined Four Roads at Port St Mary onto both Rushen & Port Erin.

Where this application differs to the previous two applications is that this was the last green field between the existing settlements on this edge of Port Erin. There is no intention whatsoever to encompass existing buildings at Four Roads, as mentioned in submissions. The development at Ballakilley extends the Port Erin development from the back of Milner Park & Milner Close, Ballakilley Close and Ponyfields to the green gap space towards Rushen Parish Church and the rear of Southlands with the development adjoining many Port Erin dwellings and two tax payer funded buildings within Rushen Parish. The green gap will be explained in more detail later.

## Dandara Marketing

The opening page of the brochure purchasers of properties within the development would have seen reads, "With its wide sandy beach, pretty Victorian railway station, golf course, numerous shops and cafes, Port Erin has a unique charm and appeal, making it the perfect location for families or those seeking a more relaxing pace of life."

The estate was marketed throughout its whole build as Ballakilly, Port Erin. This included newspaper adverts, radio advertising and social media. The brochure has images of Port Erin throughout. A copy of the brochure is still available via the Dandara website.

## House pricing and Rateable Values of Properties

There is no significant difference in the sale value of the properties or their rateable value due to their position on the estate. Example is the Maple 4 which had a sale price of £334,950 to £344,950 across the estate and a typical RV of £150, yet due to the position on the estate, one would pay £306 less local authority rates per annum than the other. The same house, the same price, the same RV within the same community, yet one property can pay £306 less or more than the other. That is surely unfair.

## Postal Addresses

When the developer applied for postal addresses to Isle of Man Post Office, these were issued with the proposed names and postcodes. During a meeting between Rushen Parish Commissioners and Port Erin Commissioners to discuss the boundary extension application, which the Department had requested was held, PEC highlighted the fact that the estate had been given Port Erin postal addresses and postcodes. As we recall, the following day, the Clerk to RPC attended Isle of Man Post Office, one assumes with the mandate of the Board to request that the addresses and postcodes be changed. This has had the result of creating the rather odd issue that the houses located within Rushen now have Port St Mary postal addresses. One may consider it also odd that 12 & 14 Carnane Lane were supposed to be numbers 1 & 2 South Barrule Avenue. So, as you enter the estate and turn left at the first roundabout, the first two properties are the last two houses of the road to the right of the first roundabout.

## Rates

Loss or gain of local authority rate income is outside the scope of this inquiry yet has been included by RPC in its submission along with mention of Local Authority Reform, which has also been mentioned in several submissions too.

As with all local authorities, PEC sets its rates to provide the services the Board wishes to deliver. Each local authority Board can make that choice. RPC has known since 2014 that PEC was seeking a boundary extension, so any rateable value of those properties affected would potentially be at risk. It is the choice of the RPC Board as to how that is budgeted.

PEC board provides an annual firework display which is enjoyed by many people from all around the Island at an approximate cost of £6,500 per annum. Historically RPC has kindly donated £200 towards this display. After the next general election in 2020, the new PEC board may decide that this is not a sensible expenditure and choose not to hold the display. The new RPC board in 2020 may

wish to choose to host a firework display of the same scale instead which would see an increase in the RPC rates of 4.6% or 5p to 103p. This is simply the choice for each Board to make.

A Village District is typically a different local authority to a Parish. PEC has an office, operates public sector housing, maintains its beach and recreational facilities on it, collects rates, operates a library, tennis courts, bowling green, golf club, commercial operations, provides public toilets and offers tourism support. It is the view of the PEC Board that these are essential community assets. The cost of running those services obviously impacts the rates required. For example, the budget to run the library within the current financial year is £78,000. RPC has for some time kindly donated £700pa towards the running costs of the library. The cost of operating the library equates to 26.1p of the Port Erin rate or 6.5%. PEC has entered discussions with RPC and other local authorities within the South as to how best to provide library services which are funded by local authority rate payers. Should the library not be provided, many ratepayers from throughout the South would be affected by this loss of service, which in many cases they are not contributing funding towards.

PEC has written to both RPC & Port St Mary Commissioners on more than one occasion in the past 5 years to request that a formal committee be created to investigate a potential merging of the local authorities and to enhance working relationships. These requests have been rejected by both parties. PEC also wrote to RPC ahead of the retirement of the previous Clerk to offer administrative services which was also declined.

PEC employs 4 full time officers 8 full time manual workers and 2 part time librarians. PEC was one of the first local authorities on the Island to adopt the Isle of Man living wage and offers employees to the local government pension scheme. All staff are qualified and appropriately trained to undertake their tasks. All but 1 of the staff members lives in the South of the Island, with PEC employees working, spending and contributing to the local communities in many ways, including acting as retained firefighters. Two such PEC staff are on call throughout the working week and are permitted to attend any call outs during the working day. PEC manual workers are required to undertake a wide and varied range of tasks from maintaining our 215 public sector houses, refuse collection, grass cutting, weed spraying, road sweeping, beach cleaning, etc. PEC does not require or rely on volunteers to undertake tasks which are the responsibility of the operation and ensures that all staff are trained to undertake the task to meet all relevant health & safety legislation.

PEC also supports local business with just over £1m (95.4%) of its non-remuneration expenditure being with on Island providers.

### Existing Boundary

The existing boundary runs through the front gardens of the properties along Kitterland Lane. The footpath and roadway to the front is therefore the responsibility of RPC to clean. The byelaws to the front of these properties will be different to the byelaws applied to the side and rear. PEC has no responsibility to maintain the grass area to the front of the properties on Kitterland Lane or any elements of maintaining any play equipment which may be installed on the green. As the green is in Rushen, this is the responsibility of RPC yet will be enjoyed by the rate payers of Port Erin who would have to complain to RPC if the roadway is not swept, weeds growing, or grass is not cut. We are unsure of the planned frequency of grass cutting, road sweeping, weed spraying & gully cleaning that RPC plans for its side of the estate once the roads are adopted and the open areas are formally transferred to the respective local authorities.

### Phased incremental rate increase over 5 years

The draft order is for the rate increase to be smoothed over 5 years which would see properties on the current Rushen Parish side of the estate have an annual increase of between £22.50 (Plot 104) and £91.86 (Plot 156) per annum over those 5 years until the rates become aligned.

This does not account for any increases in any other aspects of the rates such as an increase the respective local authority rate, water rate, sewerage rate of burial rate. Manx Utilities has announced that all properties will see a 2.43% increase in the overall cost of the provision of water and sewerage from 1<sup>st</sup> April 2019. It may be that the rate differential narrows somewhat with the likely price increases with the Energy from Waste gate fees and other aspects of the local authority annual budgets.

### Southern Area Plan and Planning Policy

The Southern Area Plan discusses the Ballakilly Development in detail as Site 23.

Item 4.63.1 refers to the site as being “on the north eastern outskirts of Port Erin” with the overall land forming “part of the wider green tract of land which separates Port Erin, Ballafesson, Ballakillowey and Port St Mary.”

Item 4.63.2 states that “The Department has taken into account the site’s position on the edge of Port Erin” and “the general desire to have more recreational facilities in and around Port Erin.”

Item 4.63.4 adds comments that “there is an opportunity to soften the rather abrupt eastern edge to the Ponyfields development. However, it is also important to ensure that the separate identities of Port Erin and Ballafesson are protected by the provision of an effective Green Gap between the two.” This statement highlights that green gap which runs between the Rushen Church is to be used as the visual reference boundary between the settlements.

Item 4.63.4 also states that “analysis of the current provision of formal open space within Port Erin has been undertaken using the Open Space requirements within the Isle of Man Strategic Plan, 2007 (Appendix 6). This would suggest that based on the 2006 population levels in Port Erin there is a requirement of 6.44 ha of formal open space. The current provision of such land in Port Erin is 2.86 ha. The overall shortfall of 3.58 ha can be accommodated at Ballakilly on the land designated for such uses.” Thus stating that the assessment of the site has been undertaken based on the site being an extension to Port Erin.

Item 4.64 point 1 refers to the need for “a lower density of development and suitable landscaping in the vicinity of Rushen Cemetery in order to protect its setting and the function of the wider area as a Green Gap” and “that any structural planting/landscaping will be provided during the first phase of housing development. This structural planting should seek to soften the current ‘hard edge’ appearance of the existing housing and future edge of development” which clearly is seeking for the development to be integrated into the existing residential area of Port Erin.

Item 4.64 point 3 states that “the layout and design of the new housing must be such as: to create a sense of place recognising the site’s position at the edge of the built up area of Port Erin; to respect the amenities of existing adjoining dwellings and residents; to take account of Rushen Cemetery which projects southwards from Barracks Road; and to result in a landscaped, soft edge to the development which forms the boundary between Port Erin and the Parish of Rushen.” This clearly

indicates that the soft edge should form the boundary between Port Erin and the Parish of Rushen and therefore the boundary extension fits the statement.

The Isle of Man Strategic Plan refers to Spatial Policies which are included in Appendix XX for reference.

Spatial Policy 2 states that “Outside Douglas development will be concentrated on the following Service Centres to provide regeneration and choice of location for housing, employment and services: Ramsey, Peel, Port Erin, Castletown & Onchan.

It goes onto say that “Area Plans will define the development boundaries of such centres so as to provide a range of housing and employment opportunities at a scale appropriate to the settlement.”

Spatial Policy 5 confirms that “New development will be located within the defined settlements. Development will only be permitted in the countryside in accordance with General Policy 3.”

Earlier in the document, the term “green gap” was referred to. Spatial Policy 7 states that “In accordance with Strategic Policy 3 Area Plans will assess the need for Green Gaps between settlements so as to avoid coalescence.”

In the context of Spatial Policy 7, “green gap” means an open area which serves to maintain the distinction between settlements; prevents the coalescence or merging of settlements; and may provide recreational opportunities.

Port Erin already provides the green gap via Rowany Golf Course and has an option on field 411412 to provide a recreational opportunity. The sports pitches owned by RPC add to this green gap. It is the case for PEC that without accepting the boundary extension, the Ballakilley estate is effectively creating two separate settlements within the settlement of Port Erin due to different local authorities providing services and differing charges being levied, which is unfair.

The green gap created will not be permitted to be removed in the future as outlined in Environment Policy 42 which stated that, “New development in existing settlements must be designed to take account of the particular character and identity, in terms of buildings and landscape features of the immediate locality. Inappropriate backland development, and the removal of open or green spaces which contribute to the visual amenity and sense of place of a particular area will not be permitted. Those open or green spaces which are to be preserved will be identified in Area Plans.”

The Community Policies within the Isle of Man Strategic Plan will, by and large, be provided from within Port Erin. Strategic Policy 2 states that “New development will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions of these towns and villages,” and Strategic Policy 3 states that “proposals for development must ensure that the individual character of our towns and villages is protected or enhanced by avoiding coalescence and maintaining adequate physical separation between settlements.” Without moving the boundary to the proposed position, it is the view of PEC that there is no physical separation between settlements, with one settlement listed with a Port St Mary postal address, but in Rushen, and another settlement which is an extension of Port Erin.

The planning application from Heritage Homes states that it meets the highlighted policies and as such it is the view of PEC this highlights that the development is intended as an extension of Port Erin.

Environment Policy 42 states that, "New development in existing settlements must be designed to take account of the particular character and identity, in terms of buildings and landscape features of the immediate locality. Inappropriate backland development, and the removal of open or green spaces which contribute to the visual amenity and sense of place of a particular area will not be permitted. Those open or green spaces which are to be preserved will be identified in Area Plans."

The preamble to the policy comments that, "Every settlement in the Island has its own individual character and identity which needs to be conserved and enhanced" and "It is important to the attractiveness and individuality of centres that over intensive development is avoided as well as the gradual merging of towns and villages in order to preserve a sense of identity and sense of place." This then references, "In terms of existing settlements, in both rural and urban areas, new development will be expected to follow the following design principles," one of which states that the development will need to "protect the character and amenity of the locality and provide adequate amenity standards itself."

### Planning Process and Comments

The planning officers report to the original planning application reference 13/00777/B was complimented by the planning Committee at its meeting on 16/9/2013.

On page 6 of the In the Planning Officer Report item 1.3 it states that, "The layout and design of the new housing must be such as: to create a sense of place recognising the site's position at the edge of the built up area of Port Erin; to respect the amenities of existing adjoining dwellings and residents; to take account of Rushen Cemetery which projects southwards from Barracks Road; and to result in a landscaped, soft edge to the development which forms the boundary between Port Erin and the Parish of Rushen."

It is the view of PEC that "to result in a landscaped, soft edge to the development which forms the boundary between Port Erin and the Parish of Rushen" clearly indicates that the development is a single entity which also achieves the "boundary between Port Erin and the Parish of Rushen." This boundary referred to is at the proposed boundary extension made in this application, not in its current position which runs through the middle of the development.

In the Planning Officer's Assessment, reference 6.3 considered whether the positioning of the residential built development should be pushed outward into the outlying fields or in the position it has now been built. However, the Planning Officer comments that, "this would not achieve the soft edge to the village which is an objective of the Southern Area Plan and would simply move the built edge further into the countryside and make the residential development less sustainable than it would be shown in the application, as the dwellings would be further from the village and its services and amenities." The village referred to in this statement is Port Erin.

The Planning Officers report refers in point 6.21 as to why the entrance to the estate is from Church Road. This is because it was required within the brief as the safest entrance to the estate and provides the opportunity to soften the edge of the development. This is referenced Development Brief 23 of the Southern Area Plan under point 9.

The report goes on to say in point 6.24 that the proposed site development does represent "a sustainable extension to an existing settlement". The existing settlement is Port Erin.

In point 6.29 it refers to the development complimenting the existing built development in the vicinity whilst at the same time introducing sufficient individual features as to create a sense of place in compliance with Environment Policy 42.

In the Planning Officers conclusion it comments under 6.37 that the development “will also bring with it a softening of the current impact of the existing built development with the edge of the settlement where there is limited, if any, landscaping and where buildings are very close to the boundary with open land and often in a linear fashion which provides an abrupt and unsympathetic edge to the settlement.” This settlement referred to is Port Erin and again indicates that the development is built as an addition to Port Erin.

The conclusion goes onto say under 6.38 that “the development is considered to be well designed and will integrate visually and functionally with the settlement beside which it will be located.” The settlement beside the development is Port Erin.

## Conclusion

Based on the application and this statement, it is the view of Port Erin Commissioners that the boundary extension application should be accepted. To not accept the boundary extension would be to ignore the obvious green belt between Port Erin and Rushen and allow the unnecessary, unfair and inequitable position of two local authority rates to continue to exist across a single community.

There is an obvious communal interest in the public services and social agencies which are shared by not only the whole development but by the wider area of Port Erin. Rushen also makes use of these services and to a lesser degree, Port St Mary. It is worthy to note that under planning policy, Port Erin is the service centre for the South West of the Island. As indicated in its application, the planning officer also makes this assertion.

It has been demonstrated in the Planning Process that the development is an overspill development of Port Erin and, as confirmed by several the submissions from residents, that the development is indeed a single community. The development backs onto 31 properties within Port Erin. The development backs onto the Southern Group Practice, Southlands Resource Centre and over the other side of Church Road, so not completely adjacent to the development, Rushen Primary School.

The proposed boundary extension reconfirms the clear physical boundary of the green gap as the physical boundary which delineates the settlements of Rushen Parish and Port Erin by extending this green gap from Rushen Parish Church, across the rear of Ponyfields and over to Rowany Golf Course. This was a requirement within the Southern Area Plan which needed to be met by the development. The other physical boundaries are the rear of the already established Southlands Resource Centre and the side of the Southern Group Practice which have grassed areas and fencing delineation.

The Board remains of the opinion that the extension is not injurious to Rushen Parish Commissioners but that it addresses the lack of sufficient acreage within Port Erin for developments of this nature. There are, within Port Erin, some brownfield sites and small sites which are under development, two of which were sold by Port Erin Commissioners. The brownfield sites are mainly suitable for tourism or residential apartments and not normally suitable for family lifestyles in the same way that traditional style housing is. Port Erin is landlocked by Rushen Parish and Port St Mary and developments on the edge of Port Erin have been treated in the same manner as can be demonstrated by the previous boundary applications. This is nothing new and is typically cyclical when land is being zoned for development. Similar recent cases can be demonstrated within Douglas

**& Peel. The Boards position is that a sense of place and community would not be fully achieved without extending the boundary as per the application.**



## CHAPTER 5

### ISLAND SPATIAL STRATEGY

- 5.1 Implementation of the Government's core purpose *"to maintain and build on the high quality of life enjoyed by the Island's community"* as set out in Chapter 2 requires many policy measures including, from the Department, a new Development Plan with this Strategic Plan as the over arching policy framework. To guide the physical development of the Island up to 2016 requires an Island Spatial Strategy (ISS)<sup>(1)</sup>. The ISS provides a framework for strategic choices in relation to development and infrastructure investment. It will also assist private sector investment decisions. It provides a degree of continuity with existing policy but sets new directions to achieve a more sustainable pattern of development in the interests of future generations. It will also assist in the setting of priorities for future investment.
- 5.2 The starting point of any spatial strategy has to be a review of the existing settlement and development pattern of the Island. The very fact that we are an Island nation sets us apart from most of the regions of the British Isles which share physical boundaries with other regions and jurisdictions. The Island comprises a number of distinctive areas which have evolved from the natural landscape and the settlement of the Island. Generally, each area is based on a principal town which supports a range of employment and service provision serving a rural catchment area including smaller villages or hamlets.
- 5.3 The four areas are:
- **Douglas and the East.** Focused on Douglas (population 26,000<sup>(2)</sup>) the wider area encompasses Douglas, Onchan, Braddan, Marown, Santon, Laxey and Lonan with a total population of 45,000 comprising over 55% of the Island's population.  
  
At the time of the 2001 Census some 23,000 (nearly 60%) of the Island's 39,000 employed population worked in Douglas. A further 2200 (5.7%) worked in Braddan and some 1400 (3.6%) in Onchan.
  - **Ramsey and the North.** Focused on Ramsey (population 7,300) the rural catchment area encompasses Andreas, Ballaugh, Bride, Jurby, Lezayre and Maughold with a combined population of just under 13,000.  
  
In 2001 nearly 2500 (6.4%) of the employed population worked in Ramsey.
  - **Peel and the West.** Focused on Peel (population 4,200) the rural catchment area encompasses Patrick, German and Michael which, although including the villages of St John's, Kirk Michael, Dalby, Glen Maye and Foxdale, only creates a combined population of some 8,200.  
  
In 2001 just over 1000 (2.7%) of the employed population worked in Peel.
  - **The South.** This is made up of a network of settlements, with Castletown, Port Erin and Port St Mary having populations of between 2,000 and 3,500 and Ballasalla, Colby and Ballabeg, giving a total population of some 14,200. Castletown provides the major business centre and the Ballasalla Industrial Area, the Airport and Freeport is one of the major strategic employment centres for the Island.

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<sup>(1)</sup> Island Spatial Strategy is defined in Appendix 1

<sup>(2)</sup> Isle of Man 2006 Census

In 2001 some 2300 (6.1%) of the employed population worked in Malew. Some 1400 (2.7%) worked in Castletown.

- 5.4 This area framework is supported by a strategic transport network which comprises a radial pattern of roads converging on Douglas with links between the main towns and villages around the coast.
- 5.5 Thus the current spatial framework is characterised by four areas each with a main centre or, in the case of the south, a series of smaller centres, with the strategic transport network providing the links between all parts of the Island. These form a family of settlements which provide a hierarchy of employment and service centres across the Island. The size of some of these settlements presents challenges in terms of maintaining the current level of services in the future. Over the years this area framework has been supported by Government in terms of public service provision of education, healthcare and leisure. Area Plans for each of the four defined areas will be prepared during the next 4 to 5 years.
- 5.6 The Consultation Draft (2000) introduced the concept of a new settlement as a means of accommodating new housing provision but this idea was rejected by the Department in the Draft Strategic Plan (2001) in favour of a policy of containment around existing urban areas (see **Appendix 3**). The Strategic Aim, Objectives and Policies provide the framework to develop the existing spatial framework into a Spatial Strategy.

### **Spatial Vision**

- 5.7 The Strategic Objectives and Strategic Policies direct that the focus of new development should be within existing towns and villages or in sustainable urban extensions, avoiding coalescence of settlements and maintaining their local identity. This translates into a Spatial Vision that by 2016 the Island's communities will have become more sustainable, prosperous, safe, healthy and vibrant. People from all sections of society will have been provided with better access to a range and choice of homes, jobs and services. This will have been achieved in ways that reduce the impact of society on the environment, improve the quality of design and the built environment and enhance the Island's natural environment and heritage assets.
- 5.8 In order to achieve this 'Spatial Vision', a framework is required as part of the Island Spatial Strategy for the future development of the Island based on service **CENTRES**, key transport **LINKS** and the main **GATEWAYS** of ports and Ronaldsway Airport (see Key Diagram).

The **CENTRES** comprise a hierarchy of service provision with Douglas, the capital of the Island, seat of Government and headquarters for most of the Island principal businesses and retail stores, as the MAIN CENTRE. Ramsey, Peel, Onchan, Castletown and Port Erin act as SERVICE CENTRES for their respective hinterlands. Below these are a series of SERVICE VILLAGES made up of Laxey, Jurby, Andreas, Kirk Michael, St Johns, Foxdale, Port St Mary, Ballasalla and Union Mills. Finally, there are a number of smaller settlements with little or no service provision which rely on the other centres for various services.

These comprise:

Bride	Glen Maye
Sulby	Dalby
Ballaugh	Ballafesson
Glen Mona	Colby
Baldrine	Ballabeg
Crosby	Newtown
Glen Vine	Strang

The only major employment area outside the CENTRES is that based on the Ronaldsway and Ballasalla Industrial Estates and the Freeport but these are adjacent to Ballasalla and Castletown.

The aim of the **CENTRES, LINKS** and **GATEWAY** approach is to give a strategic focus to future development and achieve balanced growth on the Island by developing:

- the key transport links as the skeletal framework for future physical development and the primary links to and between the gateway ports and the airport;
- a compact and dynamic eastern area centred on Douglas, the major gateway and the focus of the strategic transport network;
- area service centres in the north and west based on Ramsey and Peel using regeneration opportunities to strengthen their employment and service base; and
- a network of local centres in the south with new development focused on the regeneration of existing centres but recognising the growth potential around Ballasalla and the Airport Gateway.

5.9 In the Douglas and the East Area the focus of development will continue to be in and around Douglas. The current policy of constraining further greenfield development has aided the process of regeneration within the existing urban area. In terms of the Island Spatial Strategy (ISS) for Douglas and the East, the key elements are:

- continued regeneration within Douglas, particularly around the Promenades and Quayside and Douglas Regeneration Area to create further housing, employment, retail and leisure opportunities;
- maintaining the International Shipping Gateway role of Douglas Harbour and;
- continued policy of urban containment with the new Area Plan for the East examining the issue of maintaining the distinctive character of the various settlements.

5.10 The key elements of the ISS for the North are:

- most housing focused on Ramsey in line with the current allocations in the Ramsey Local Plan;
- regeneration of Jurby in line with the Jurby Study;
- continued regeneration of Ramsey Town Centre; and
- employment opportunities focused on Ramsey Town Centre and Poylldooey/Ballachrink in accordance with the development framework.

- 5.11 The key elements of the ISS for the South are:
- regeneration within Castletown, Port St Mary and Port Erin to create further housing, employment and leisure opportunities in keeping with the scale of the settlements;
  - maintaining and improving Ronaldsway Airport's International Gateway role;
  - focusing on the employment potential of the Freeport and Ballasalla Industrial estates to counterbalance the attractions of Douglas and the East; and
  - protecting the historic setting of Castletown.
- 5.12 The Key elements of the ISS for the West are:
- continued regeneration in Peel to create further housing, employment and leisure opportunities;
  - exploiting the potential of the quayside and harbour for further housing and leisure opportunities; and
  - limited development in the other villages in line with the current Local Plans.
- 5.13 The promotion of an integrated transport strategy to meet the needs of the local community and visitors for the Island is one of the key objectives in the 'Sound Infrastructure Aim' set out in the Government Plan 2006 – 2009. This includes an action "to work corporately in seeking to incorporate the key elements of Integrated Transport for the Island into a draft Sustainable Transport and Travel Plan". The Key Diagram shows the key transport LINKS which coincide with Strategic Routes and Secondary Routes identified by the Department of Transport. The land use strategy element of the ISS fully supports the concept of an Integrated Transport Strategy.
- 5.14 The routes of the Steam, Electric and Mountain Railways form part of the ISS. The Steam and Electric Railways have potential for improvement in the longer term as part of an Integrated Transport Strategy for the Island. All of the current routes support the strategy of CENTRES and LINKS.
- 5.15 The principal **GATEWAYS** to the Island are:
- Ronaldsway Airport offering direct flights to 17 destinations plus commercial freight and charter flights.
  - Douglas Harbour providing direct all year round ferry services to Heysham and Liverpool and seasonal services to Dublin and Belfast plus commercial freight and energy supplies.
  - Ramsey Harbour with an emphasis on building and agricultural imports and exports.
  - Peel – energy supplies and dangerous goods discharged at the outer Breakwater.
- 5.16 In terms of protected landscapes, the Key Diagram shows diagrammatically, the areas currently covered by the 1982 Development Plan designation Areas of High Landscape or Coastal Value and Scenic Significance. Reference is made in the Environment Chapter to the work underway on an Island-wide Landscape Character Assessment which will eventually replace the 1982 Development Plan designations. In the meantime, these will remain in full force and effect and form the basis for the detailed policies in Chapter 7.

5.17 This Spatial Strategy does not attempt to identify ecological zones. The boundaries of areas which are currently afforded statutory protection for their biological, geological and archaeological merit are set out in their designation documents. In the preparation of Area Plans, the Department will identify such designated areas and Areas of Ecological Importance or Interest<sup>(1)</sup> on the proposals maps.

### Spatial Distribution

5.18 Chapter 8 gives the background to projected future housing need for the Island from 2011 to 2026. From this it can be seen that provision needs to be made for some 5,100 new homes up to 2026. By that date however existing homes will still comprise some 88% of the total housing stock, so by any measure it is clear that the existing spatial pattern will continue to dominate the Island Spatial Strategy.

5.19 The figure of 5,100 represents the broad housing requirement for the Isle of Man. It has been calculated by examining the actual household numbers in 2011 (as recorded in the 2011 Census) and the projected housing numbers in 2026 and allowing for a vacancy factor to account for a proportion of the overall estimated vacancy rate. In terms of how the figure of 5,100 should be distributed across the four Areas of the North, South, East and West, analysis has been undertaken of past planning approval data and the subsequent assessment examined a number of different approaches.

5.20 The approach considered to be the most appropriate calculated the spread of new housing on the basis of past development levels; using the planning approval data for new dwellings collated between 2001 and 2013. These figures provided an extensive data set. The preferred distribution approach (set out below) is supported by a general understanding of: the general settlement pattern of the Isle of Man as a whole and for each defined Area, the character of each settlement (including the potential of each to accommodate further growth), the proximity of settlements to the identified major employment centres, the areas of the Island which have been identified as having the greatest levels of demand for employment land as well as the likely impact of the preferred spatial distribution figures on the strategic highway network.

5.21 On the basis of over 12 years' worth of planning approval evidence, the distribution across the North, South, East and West allocates 33% of the all-Island figure (5100) to the Main Centre (Douglas), 41% to the Service Centres, 15% to the Service Villages and 11% to the Villages. Based on the composition of the settlement types in each Area, the table below shows how such a distribution would translate into a specific housing need for each Area. It is important to note that settlements of the same classification e.g. the Service Centres would, under this approach, be allocated the same proportion of the all-Island need figure.

### Spatial distribution of housing 2011 to 2026 based on analysis of past planning approval data

Spatial distribution of new housing units	% of all-Island housing need figure
North	15%
South	22%
East	48%
West	15%
<b>Total</b>	<b>100%</b>

<sup>(1)</sup> Areas of Ecological Importance or Interest is defined in Appendix 1

5.22 A spatial distribution based on the above approach results in the overall housing requirement of 5100 new dwellings between 2011 and 2026 being distributed in the following manner:

Area	Spatial distribution of housing requirement 2011 to 2026
<b>North</b>	770
<b>South</b>	1,120
<b>East</b>	2,440
<b>West</b>	770
<b>Total</b>	<b>5,100</b>

- 5.23 This proposed distribution recognises the East as having the greatest housing need between 2011 and 2026 followed by the South, West and North. The North and West are closely matched in terms of numbers. It is important to note that all of the Areas are different in terms of their settlement hierarchy. For example, both the North and West have only 1 Service Centre each (Ramsey and Peel), compared to the South which has 2 Service Centres (Castletown and Port Erin) and the East which has the Main Centre, Douglas, and one other Service Centre (Onchan).
- 5.24 Given the new Plan period for the Plan is from 2011 to 2026, it is important to examine both the number of dwellings actually built during the former Plan period i.e. between 2001 and 2011 and between 2011 and 2013. The Residential Land Availability Study (RLAS Update 4) identified that between 2001 and 2011, 5,400 new dwellings were granted planning approval. Further analysis revealed that out of that 5,400, 5,162 approvals remained valid as at June 2011 (Appendix 8). RLAS Update 4 reported that by June 2011 4,469 dwellings had been built or were under construction over the full monitoring period 2001 to 2011 (or 87%).
- 5.25 RLAS (Update 7) was published in July 2015 and analysed residential planning approval and completion data as well as land availability up to June 2014. The broad body of RLAS work undertaken by the Department has recently started to analyse residential approvals and take-up of such approvals since 2011 to reflect the new Plan period. Between July 2011 and June 2013, 403 new dwellings had commenced or had been completed across the Island and between July 2011 and June 2014, this had increased to 487. On further analysis of this data it is clear that new homes are being created in a number of different ways. These ways include: conversion schemes (from non-residential to residential or by the creation of multiple units from a single residential unit), windfall<sup>1</sup> schemes, redevelopment schemes in residential areas or new schemes on allocated sites. New units may also come forward in rural areas where a need is demonstrated.
- 5.26 In looking ahead, monitoring is expected to reveal a continuation of new planning approvals and new dwellings on the ground coming forward in a variety of forms during the Plan period. Each new RLAS Update records the types, locations and numbers of homes being approved and delivered. Given that the Plan period has in effect started, it needs to be recognised that some of the 5,100 new homes needed have already been provided and the figures set out in paragraph 5.25 above will increase as the Plan period advances. In line with the Island Spatial Strategy, the housing needs of the Island will continue to be met by concentrating new residential development in the existing settlements. The Department does, however recognise that some of the smaller or 'lower order' settlements such as the Villages may have little or no potential for further development over the Plan period. All settlements will however be appraised in detail as part of the preparation of the forthcoming Area Plans.

<sup>1</sup> Windfalls is defined in Appendix 1

5.27 Chapter 8 - Housing - sets out in more detail the approach to secure the provision of housing through a process of Plan, Monitor and Manage<sup>1</sup>. It is intended that each new Area Plan prepared will continue to undertake urban capacity assessments as part of a sequential approach<sup>2</sup> to the provision of new housing. This approach will seek to develop within existing settlements, or on previously developed land or by the redevelopment, regeneration and conversion of existing housing. Only then will greenfield sites be brought forward, as extensions to existing settlements.

5.28 Set out above is a review of the Island's existing settlement pattern, the Spatial Vision, and the Spatial Strategy for the future development of the Island based on Centres, Links and Gateways. What follow from these are the Spatial Policies which will be applied so that the Island Spatial Strategy and ultimately the Spatial Vision can be achieved.

### **Spatial Policies**

5.29 The Strategic Objectives and the Strategic and General Policies include aspects of spatial policy. Hence it is not intended to duplicate those policies in this section. The Island Spatial Strategy, however, has a number of policy implications within it and these are set out below.

#### **Spatial**

**Policy 1: The Douglas urban area will remain the main employment and services centre for the Island.**

#### **Spatial**

**Policy 2: Outside Douglas development will be concentrated on the following Service Centres to provide regeneration and choice of location for housing, employment and services**

- **Ramsey**
- **Peel**
- **Port Erin**
- **Castletown**
- **Onchan**

**Area Plans will define the development boundaries of such centres so as to provide a range of housing and employment opportunities at a scale appropriate to the settlement.**

#### **Spatial**

**Policy 3: The following villages are identified as Service Villages**

- **Laxey**
- **Jurby**
- **Andreas**
- **Kirk Michael**
- **St Johns**
- **Foxdale**
- **Port St Mary**
- **Ballasalla**
- **Union Mills**

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<sup>1</sup> Plan, Monitor and Manage is defined in Appendix 1

<sup>2</sup> Sequential Approach is defined in Appendix 1

**Area Plans will define the development boundaries of such villages so as to maintain and where appropriate increase employment opportunities. Housing should be provided to meet local needs and in appropriate cases to broaden the choice of location of housing.**

**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. These villages are:**

- **Bride**
- **Sulby**
- **Ballaugh**
- **Glen Mona**
- **Baldrine**
- **Crosby**
- **Glen Vine**
- **Glen Maye**
- **Dalby**
- **Ballafesson**
- **Colby**
- **Ballabeg**
- **Newtown**
- **Strang**

**Area Plans will define the development boundaries of such settlements so as to maintain their existing character.**

**Spatial**

**Policy 5:**

**New development will be located within the defined settlements. Development will only be permitted in the countryside in accordance with General Policy 3.**

**Spatial**

**Policy 6:**

**The strategic roles of Ronaldsway Airport and Douglas Harbour as principal gateways to the Island will be protected and enhanced.**

**Spatial**

**Policy 7:**

**In accordance with Strategic Policy 3 Area Plans will assess the need for Green Gaps<sup>(1)</sup> between settlements so as to avoid coalescence.**

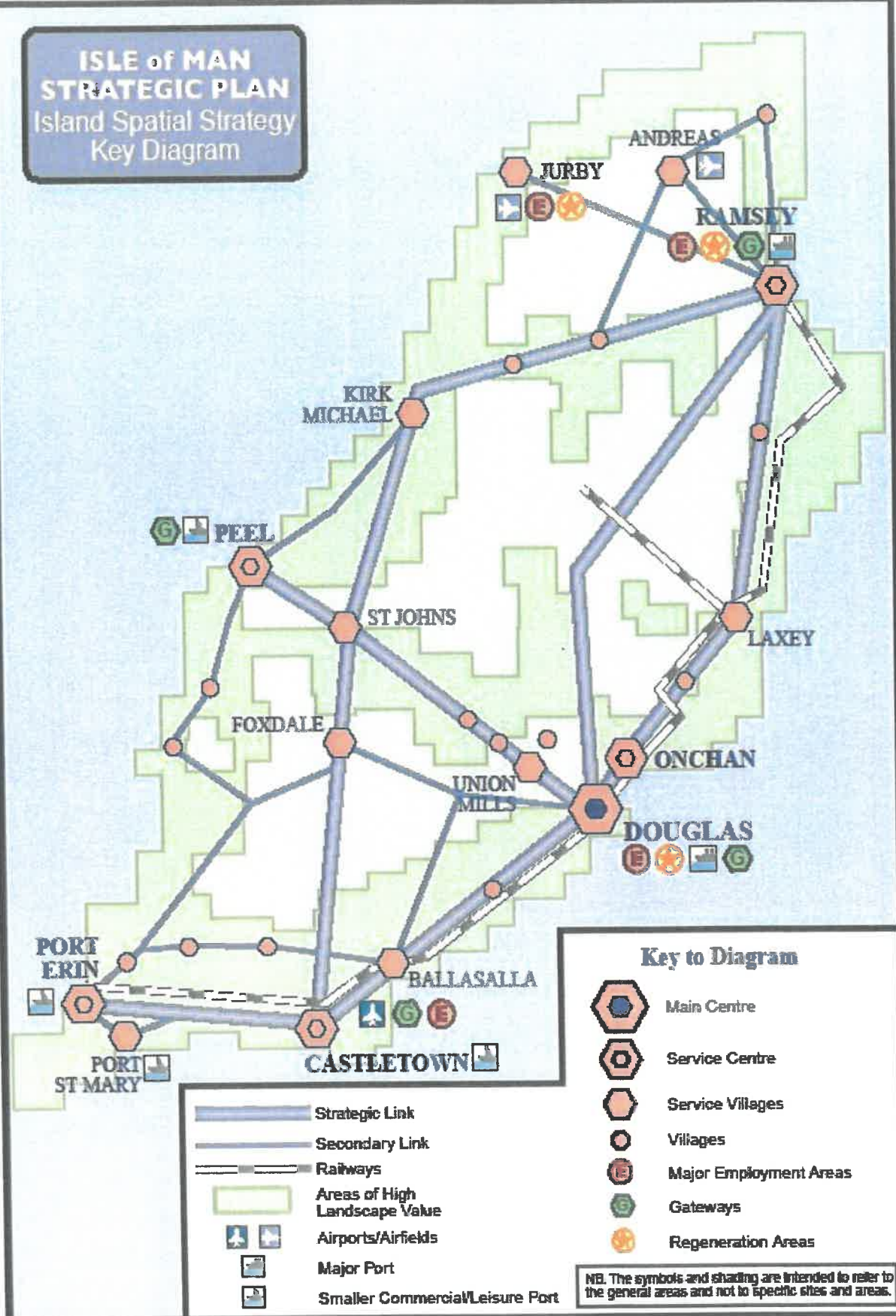
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<sup>(1)</sup> Green Gap is defined in Appendix 1



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**ISLE of MAN  
STRATEGIC PLAN  
Island Spatial Strategy  
Key Diagram**



**Key to Diagram**

- Main Centre
- Service Centre
- Service Villages
- Villages
- Major Employment Areas
- Gateways
- Regeneration Areas

**NB.** The symbols and shading are intended to refer to the general areas and not to specific sites and areas.

- Strategic Link
- Secondary Link
- Railways
- Areas of High Landscape Value
- Airports/Airfields
- Major Port
- Smaller Commercial/Leisure Port

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