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Ballakilley - Port Erin boundary extension 2014

6th September 2014.

Mr J Roberts
Clerk
Port Erin Commissioners
Bridson Street
Port Erin.

Dear Mr Roberts

Re: Ballakilley Residential Development.

Rushen Parish Commissioners acknowledge receipt of your email which was received in our Office on the afternoon of Sunday 17th August. Our Clerk forwarded this to all Members on the morning of Monday 18th.

You mention in the email that you had contacted Rushen Parish Commissioners in July 2013 with regard to Ballakilley. We did not receive either a letter or email about this. Could you forward a copy of that letter or email.

I presume that this email is the official communication from Port Erin Commissioners informing us of their intention to apply for an extension of their boundary to include the whole of the Ballakilley Development? If so, I would have thought such a proposal would have warranted at least an official letter rather than a somewhat casually presented email.

My fellow Board Members have expressed surprise at the content of your email particularly in light of what they all considered to be an 'open and friendly' meeting held on 19th June and at which Ballakilley was one of the several items discussed. None of your Board Members or yourself mentioned the possibility of a boundary extension. It was not on the Agenda which you supplied. If it had been and sufficient notice given there would have been no problem in discussing this.

It would seem from information received from the Local Government Unit that you contacted them in early March 2014 with a view to a boundary extension and that three of the officers had indicated that the first step Port Erin Commissioners should take would be to talk to Rushen Parish Commissioners. This did not happen.

Your email received on 19th August is the first indication to us that Port Erin Commissioners intend to make a boundary extension application. That is more than 5 months after you contacted the Local Government Unit and almost 6 weeks after your Board deciding on 8th July to do this.

Our Board discussed this matter at our meeting on 20th August (only three days after receiving it) and they remain of the opinion that the Ballakilly Development can remain split and still work well with both Local Authorities working together, which is what was put forward at the meeting on 19th June.

We had hoped to work in a friendly and helpful way with our neighbouring Local Authorities and we are disappointed in the way in which the Clerk, Chairman and Members of Port Erin Commissioners have handled this matter so far.

Yours sincerely



Chairman.

Jason Roberts

From: [REDACTED]@iompost.com>
Sent: 16 October 2014 11:53
To: Jason Roberts
Subject: FW: Ballakilley development postcoding issue
Attachments: Ballakilley - Parish Boundary.pdf

Importance: High

Dear Sirs,

I have been asked to contact both Port Erin and Rushen Commissioners by our Mails Department to clarify the postcoding of the new Ballakilley development situated off Church Road, Port St Mary

This estate was initially postcoded as Port Erin as this was the information given to us by the Developer ,Dandara, however I was contacted by Rushen Commissioners to say that the development should be coded as Port St Mary. Upon informing Dandara of this they then provided us with a map of the boundary line which I have attached to this email showing that the boundary runs through the middle of whole estate.

In order to postcode this development correctly and to prevent any problems between the two Commissioner bodies can I ask that you discuss between yourselves and confirm by return whether the whole estate is to be coded as Port Erin or Port St Mary or if it needs to be coded separately according to the boundary line. Meaning that-

Barrule Avenue
Cronk View Crescent
Perwick Drive
and
Church View Court

Would be coded as Port Erin whilst

Ballakilley Road
Ballakilley Lane
Carnane Lane
Carnane View
Fleshwick Close
Meayll Drive
and
Kitterland Lane

Would be coded as Port St Mary (as Rushen isn't a postal area)

The postcodes are not yet active so no residents can use them at the moment but as people are starting to move in imminently we need to act quickly as until the postcodes are activated no one will be able to buy the likes of home insurance etc.

Yours Sincerely,

Isle of Man Post Office

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Jason Roberts

From: [REDACTED] <[REDACTED]@iompost.com>
Sent: 21 October 2014 16:08
To: [REDACTED]; Jason Roberts; rushencommissioners@manx.net
Cc: [REDACTED]
Subject: FW: Ballakilley

Dear [REDACTED]

May I introduce myself – I am [REDACTED] within Isle of Man Post Office and therefore responsible for addressing issues. [REDACTED] who you have been communicating with over the last weeks or so is our expert.

To summarise my understanding of the current position; Dandara need to know road and property postcodes so that they can tell their clients, a small number of whom are due to move in imminently. Rushen and Port Erin Commissioners have yet to finally decide whether the Ballakilley development falls wholly within one or other Commissions or is split between both.

Because [REDACTED] at Dandara needs some postcodes to be activated, we have had to take a decision (which is reversible from our point of view if ultimately necessary) to follow the Commission boundary as far as allocating postcodes are concerned – [REDACTED] email below lists roads and postcodes as we have currently set them up. If the Commissioners decide that this is wholly Rushen or wholly Port Erin or that the boundary falls in a different place, we will re-postcode as necessary.

Could I ask please that you keep [REDACTED] and me updated with developments so that we can react swiftly to any changes you may request.

We are trying to be as helpful as possible in this matter and hope that this meets approach with your approval

Kind regards

[REDACTED]

Isle of Man Post Office
[REDACTED]

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

I made a few corrections and additions in my presentation reflecting new information presented during the course of the inquiry. I have tried to include the corrections in this revision but I may have missed a few so I apologise in advance for any remaining errors. The oral transcript of proceedings will of course give the corrected comments.

Introduction

Port Erin's written statement leaves the reader to ponder its sources and references, so by necessity this is a lengthy response as I try to cover all the potential and real issues.

Rushen Parish Commissioners have been accused by our larger expansionist neighbours of being 'inflammatory' by daring to try to defend our Parish boundary from yet another attempt to take some of the Parish's lucrative developed land. Rushen Parish Commissioners are unaccustomed to being accused of anything other than being compliant and amenable I think, but this is certainly not the first time Port Erin Commissioners have been viewed as having aspirations beyond their municipal borders.

I will try not to offend the delicate ears of the proposers by using anything other than simple diplomatic language, however, it might assist Port Erin's understanding if they could try to put themselves in our shoes, and perhaps consider the impact of their latest expansionist proposal on Rushen Parish Commissioners. This is after all at least the fourth attempt in living memory by Port Erin to take over developed land from Rushen, the other three – Bradda, Ponyfields and Truggan Close and houses accessed through Shirragh Way – having been lost to Rushen.

Rushen Parish Commissioners acknowledge that in the same way that there has been a general view that central Government will continue to expand and grow, so will the larger local authorities continue to grow their boundaries and inevitably take over the smaller ones. Thankfully this large municipal bureaucratic nirvana is being increasingly challenged replaced by the bold prospect of smaller smarter government.

I was privy to the following comment from a senior politician in the previous Tynwald "We must stop putting up taxes and charges to feed central government's desire for more expenditure – it is like trying to cure an alcoholic by giving them more alcohol." I won't name said politician, but I feel their words aptly describe why this latest expansion proposal by Port Erin should be rejected.

Rushen Parish Commissioners will during this presentation attempt to demonstrate that Port Erin has failed in all of the Criteria for the Consideration of Local Government Boundary Extensions. We will also address what we believe to be Port Erin's erroneous reliance on, and arguably misrepresentation of, planning policy and comments of planners.

Further, we will address some of the apparent misunderstandings in Port Erin's late written submission to the inquiry and Rushen will also address the question of fairness which Port Erin seems so keen to use to promote their case. It is, Port Erin claims, unfair that their rate payers pay more than double the rates of Rushen rate payers. We agree but suggest that this unfairness is something that Port Erin might address by looking for example at why their administration costs (using the budgets for 2019/20 recently agreed by both authorities) appear to be over **twelve and a half times greater**

than those of Rushen's despite Port Erin having just over double the population of Rushen to provide services to.

Rushen Parish Commissioners do not claim to be perfect and indeed have made conscious efforts to meet with Port Erin among other local authorities with a view to more collaborative working. On each occasion that we have met with Port Erin we have been open and clear about our intentions to engender a more collaborative, partnership approach and following each meeting Port Erin Commissioners have made significant announcements within days of our meeting about matters impacting on Rushen. The most significant of such occasions was following the meeting we held to discuss how we should mutually manage our respective parts of the Ballakilly development, when shortly after the meeting we found out that Port Erin had decided to ignore trying to work with Rushen and instead had applied to the Department for a boundary extension without even giving us the courtesy of forewarning us of their intention.

Fairness

Port Erin's submission relies heavily on the Commissioners perception of what is and indeed isn't fair. On several occasions Port Erin Commissioners point to the unfairness of their ratepayers having to pay more than double for the services they provide than Rushen ratepayers do.

At the bottom of the fourth page of the Port Erin Commissioners state the following. "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." So, Port Erin Commissioners are effectively saying that it is within their gift to substantially reduce their rates and the perceived unfairness between the two authorities, but they choose not to. Instead they are relying on the Department and Tynwald to do the hard work and force the residents of the smaller, less bureaucratic authority to move to the larger authority against their wishes.

Rushen Parish Commissioners readily acknowledge that in the past its ratepayers have to a certain extent enjoyed the benefits of their larger municipal neighbours and have for some years now started contributing to services provided by Port Erin, Castletown and Douglas Borough Council.

The Rushen Board recognises that it could and should do more and for this reason budgets have been set aside to offer increased contributions to service providers offering services that Rushen has authority to support. Rushen welcomes Port Erin's suggestion for a southern libraries working party and will play an active role in that. Rushen believes that it is fair for all local authorities to pay a recognised contribution to library services but we wonder whether a more streamlined service across the Island might be more cost effective than the currently disjointed, ad hoc services provided.

Latterly Rushen has agreed to take over the maintenance of more than eleven miles of rural footpaths (PROW) in the parish as the government acknowledged it no longer had sufficient resource to maintain this precious rural asset. Rushen feels that in the same way Rushen rate payers enjoy Port Erin's beach and paths it is only fair that Port Erin ratepayers should be able to enjoy the extensive network of footpaths in Rushen.

Rushen absorbs the significant waste disposal cost of Rushen Primary School, Southland residential home and the doctors' surgery within its overall waste disposal budget rather than recharging to the relevant government departments so saving Isle of Man Government several thousand pounds each year. This is a conscious decision by Rushen as the parish's contribution to these facilities.

(Note: I'm not sure at what point in my presentation I inserted this comment – it reflects what I said, though not word for word, and it may have been later on in the presentation).

While Rushen's administration and finance costs are only 7.9% of those of Port Erin's according to both authorities' 2019/20 budgets, Rushen has recently agreed to enter into discussions with Arbory Parish Commissioners about introducing a less expensive joint administration. The two authorities already work very closely together and reduce costs as a result of spreading costs over a larger area. Both authorities feel that further savings can be made though, to ensure the ratepayers funds can be put to better use in providing services in the Parishes.

It might be helpful at this point to note that Rushen's administration costs this year are budgeted to be £19,741 or 8.5% of total expenditure. Port Erin's administration cost is £249,676 very close to 20% of total expenditure. We are pleased to note that Port Erin's administration costs have reduced before taking into account inflation, but we suspect substantial further savings could be made without a substantial impact on services.

Rushen's final point with regard to fairness is in relation to Rushen Parish Commissioners' plans to develop play and recreation facilities on the undeveloped Ballakilley land at the Barrack's and Church fields. Rushen has already committed to spend £50,000 to develop a first phase recreational scheme on the Church field. Up to £20,000 has already been made available to develop the land surrounding the soon to be developed playing fields, but it has been agreed to wait until the main work has been completed in landscaping the pitches before undertaking Rushen's development which will be complementary to the pitches.

As Port Erin point out in their submission 4.63.4 in the Southern Area Plan 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 Ballakilley on the land designated for such uses."

It appears to the Rushen Parish Commissioners that the Ballakilley development relies on the open space being provided on land owned and administered by Rushen Parish Commissioners and soon to be heavily invested in by Rushen Parish Commissioners. So the ninety houses that Port Erin is already enjoying the rate benefit from and the seventy eight they wish to acquire from Rushen could not reasonably have been developed had Rushen Parish Commissioners' land not been made available for public open space.

This I would suggest is where the issue of fairness is really to be found. Based on the current financial year figures and with not all the properties fully included as yet for rateable value purposes, Port Erin if successful will gain rates income of at least £34,000 a year and Rushen will lose rates income of around £16,000 a year. Rushen will have an increased expenditure of around £10,000 taking into account maintenance and finance costs. This £60,000 reversal in fortunes for the two authorities is in Rushen's view the real unfairness which Port Erin's proposal will bring about if accepted. Remember, the development could not have taken place without the public open space.

Summarising Rushen's case with regard to the unfairness identified by Port Erin then, Port Erin Commissioners already have it within their gift to rectify the unfairness by looking to further reduce

their relatively high administration costs. Instead Port Erin wishes the Department and Tynwald to create the much greater unfairness of Rushen paying for the play and recreation facilities which enabled planning permission to be granted on the 170 houses Port Erin wishes to benefit from.

Planning

As stated earlier, Port Erin's submission relies heavily on planning policy and comments of planners. In an endeavour to be brief I will limit this part of our presentation to addressing the key points raised by Port Erin in their written submission.

1. It is important to note that all three Rushen MHKs voted against the Southern Area Plan, Rushen Parish Commissioners objected to its conclusions and even Port Erin Commissioners were, I believe against the Ballakilley housing proposal.

2. Port Erin states that 4.63.1 in the plan 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.

As stated in our written submission Rushen asserts that the development which is accessed through Rushen and surrounded on two and a half sides by Rushen is as much an overflow of Rushen as it is Port Erin. Clearly there is no green gap between the Ballakilley development and either Port Erin, Rushen's part of the Four Roads community or indeed Port St Mary's part.

The planners' views expressed here are simply not correct and clearly are made without any understanding of local authority boundaries. This is though not a criticism of the planners as they were not making statements about administrative boundaries. I suspect they will be somewhat alarmed by Port Erin's reliance on their planning views in some way being used to make a case for boundary changes as they, the planners, quite clearly have neither the authority or the expertise to comment on such matters.

3. Port Erin point out that 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."

The planners could equally have said on the outskirts of Rushen. The recreation facilities referred to will be wholly funded by Rushen, owned by Rushen and located in Rushen. The language used by planners here is influenced by planning legislation and policy and can not be relied on to influence decisions on administrative boundaries.

4. 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."

No such green gap exists between Rushen's part of the Four Roads community or Port Erin's. Neither is there a green gap between Port Erin and Port St Mary – indeed the boundary runs through the middle of the old Southlands building, Thie Rosien. Port Erin and Port St Mary seem quite capable of managing this without falling out.

Administrative boundary lines could be drawn pretty much anywhere amidst the mass of housing and buildings in the Four Roads area. Rushen is quite content to manage with the boundary where it is but were the boundary shifted to advance Port Erin's expansionist agenda, all that will happen will be that the boundary between Rushen and Port Erin will become less clear on its south eastern corner. Of course, the move will do nothing to resolve the Port St Mary Port Erin boundary which divided in two the Thie Rosien building.

5. Repeating paragraph 4.63.4 which suggests "that based on the 2006 population levels in Port Erin there is a requirement of 6.44 ha of formal open space." And that "The overall shortfall of 3.58 ha can be accommodated at Ballakilly on the land designated for such uses."

Port Erin then somewhat perversely or perhaps bizarrely assert "that the assessment of the site has been undertaken based on the site being an extension to Port Erin." As previously stated, this is Rushen Parish Commissioners land, development of which will be funded by Rushen and, whether the current boundary proposal succeeds or not, will remain in Rushen Parish, assuming of course that further boundary extensions are not sought. The development Port Erin seeks to benefit from could not have happened without this Rushen public open space being created by the planners. This really highlights how planning does not seek to interfere with municipal boundaries rather than suggesting that Port Erin should be granted this extension.

6. Port Erin continue to somewhat optimistically and in Rushen's view erroneously rely on planners' comments with 4.64 point 1 which 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."

Firstly, these are comments from a planning document, not a document on local government policy or boundary reform. Secondly, the Green Gap referred to will separate Port Erin from Ballafesson, but not Rushen's or Port St Mary's part of the Four Roads community from Port Erin's small part.

Thirdly, I can very clearly state that during my time as planning Minister and constituency MHK at no time was there even the slightest hint that the plan would be used for anything other than planning purposes. Had it been suggested that the plan could be relied upon for some kind of back door local government reform or boundary changes, there would have quite rightly been political uproar

Misusing 4.64 point 1 Port Erin goes on to assert this "clearly is seeking for the development to be integrated into the existing residential area of Port Erin." Clearly it does not, but merely ties the land to the general development between Port St Mary, Rushen and Port Erin. It is hard not to feel quite angered by Port Erin's manipulation of, and reliance on planning comments but I will try to remain calm.

7. 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." To which Port Erin adds

“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.”

It clearly does nothing of the sort. It creates a soft edge between Port Erin and Ballafession perhaps but creates no gap between Rushen Parish’s part of the Four Roads. In fact, it builds on the Green Gap that used to exist. As previously stated, this is a planning document and can’t be relied upon for boundary purposes.

Having spent several rewarding years working with planners during my time as planning Minister, I can state with confidence that planners would suggest that the whole Four Roads community should be viewed as being in the settlement of Port Erin for planning purposes, perhaps as far down as the railway line, where the first hint of a green gap between Port St Mary and Port Erin appears. I can also state with confidence that the planners would be very disturbed if their professional planning views were misused to describe administrative boundaries.

8. Port Erin then moved on to The Isle of Man Strategic Plan’s Spatial Policies

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.”

The logic of Port Erin’s reliance on planning policies and development boundaries, if followed, would result in five regional local authorities and Douglas. Clearly though the Strategic Plan is a planning document. It never set out to describe administrative boundaries. At no point do either the Strategic Plan or the Southern Area Plan state “and so Port Erin should take over part of Rushen Parish’s administrative jurisdiction.” This is not in the least surprising as both plans are planning documents not administrative boundary setting documents.

Not wishing to be repetitive I will not answer the remaining page of Port Erin reliance on planning comments. Suffice to say the Ballakilley development is built on what could have been the green gap between Port Erin and Rushen’s part of the Four Roads community or settlement. The fact that Heritage Homes said in a planning application that they were complying with planning policy is nothing more than a reason to grant planning permission. It cannot be relied upon to redraft boundaries

Points from PE’s Late Submission

In this section, I will endeavour to answer the main points raised by Port Erin, which I’ve not covered elsewhere.

Why has Port Erin Commissioners applied for a boundary extension?

In their first paragraph Port Erin say they’ve met the developer prior to the work commencing. So did Rushen. Unlike Port Erin, Rushen saw no fundamental problem in there being two parts to the

development as there is a clear dividing line, Rushen remains amenable to working with their neighbours in Port Erin, and this was the only significant residential development the Parish will have seen for many decades.

Of course Rushen sees the unfairness that Port Erin chooses to charge its ratepayers such a high rate for largely similar services, but we respect Port Erin's right to do so. Rushen also recognises that it should take on more responsibilities and provide an increased contribution for services used by our parishioners but provided by other authorities.

Rushen does not share Port Erin's concern about differing waste solutions, byelaws, grass cutting and street light timing as that is after all a matter for local democracy. We are content to work with Port Erin to minimise any real concerns they have and have indeed offered to do so on a number of occasions. Indeed we will be happy to clean the pavement and road at our boundary with Port Erin despite the houses adjoining it paying their rates to Port Erin.

Port Erin chooses not to provide dog glove dispensers for its ratepayers whereas Rushen does. We accept that Port Erin residents probably use a good proportion of the 'gloves' we supply but we accept that Port Erin has made a decision to stick with enforcement for its dog fouling solution, while Rushen prefers to use assistance and enforcement, which appears to us to be more effective in reducing dog fouling.

From Rushen's perspective then it appears that the Boundary extension is being sought because Port Erin is unwilling to work with Rushen on a joint management approach, they're unwilling to recognise that Rushen's way of doing things is equally valid to Port Erin's, and finally Port Erin is unwilling to seek to reduce its costs so that it can charge a less extravagant rate

Port Erin then addresses the question "Why has the application taken so long?" They claim to have raised the issue of the boundary initially in 2013 but they don't say who with. They then mention that they formally raised their intention with Rushen Parish Commissioners and the Department of Infrastructure in 2014. The two authorities met in 2014 to look to jointly managing the new estate during which no mention was made of a decision to seek a boundary extension, and shortly after that meeting Port Erin wrote to the Department of Infrastructure seeking a boundary extension. Rushen found out about this about four months later.

Port Erin then explains its Approach. I presume this paragraph is included in response to the numerous consultees who criticised Port Erin for not engaging with residents or explaining their proposal. Indeed they appear to see as a virtue the fact that they have initiated a very worrying process for the Rushen Ballakilley ratepayers they wish to acquire and then failed to explain their motivation to them. They also seek to demonise Rushen Parish Commissioners for daring to provide factually accurate information to their ratepayers and explaining how to engage with the inquiry.

Port Erin define land grab as meaning "an act of seizing land in an opportunistic manner." If this is not opportunistic then Rushen fails to see what it is. The "blatant attempt to increase their rates" quote used was pretty much what we were told in a joint meeting with Port Erin by one of their longest serving Commissioners. If this is not the case then we apologise for the confusion but it is a confusion generated by a Port Erin Commissioner, if indeed it is a confusion.

The issue of unfairness dealt with in Port Erin's next section is one I've dealt with elsewhere but there are a few additional points I need to make here.

I'm unsure for example what evidence Port Erin has to suggest the estate was advertised as being in Port Erin. The promotional hoarding at the entrance to the estate said Ballakilly, Church Road, Rushen as did the website. If Port Erin's half of the estate was advertised as being in Port Erin and Rushen's as being in Rushen this rather defeats Port Erin's argument. Certainly, the residents who bought properties in Rushen were pretty certain that they had been sold a house in Rushen not Port Erin. This is clearly evidenced by a number of people responding to the Department's consultation.

We then move on to houses of similar specification paying different rates. Dandara builds similar houses across the Isle of Man. Is Port Erin seriously suggesting that just because it's similar to a house bought in Port Erin it must be Port Erin? If so, look out Braddan, Douglas, Peel etc etc ... as they'll be after you next!

The Dog Bylaws in Rushen do include the green area within Ballakilly as well as the green area to the north of Ballakilly. Rushen's Dog Bylaws have not been finalised yet though so Port Erin has an opportunity to talk to us about what they would like to see if they're quick. We recognise that there may be differences in approach from the two authorities so who knows, we may actually be able to learn from each other and provide better for our ratepayers!

With regard to street light timings our parishioners are generally content with what they've got. We did ask the MUA to mirror the Port Erin timings in Rushen's part of the estate but for some reason they failed to do so. We have had no complaints since though. As for accessing early and late buses, any Port Erin residents trying to get to the bus through Ballakilly, Rushen is going the wrong way as there are no bus services on Church Road!

Rushen Parish Commissioners remain open to the idea of mirroring Port Erin's street lighting times though if sufficient residents on the estate wish it. We do not see the need for one size fits all policies and we are content to be flexible meeting as best we can the wishes of our ratepayers – the vast majority of whom enjoy the opportunity to see the dark sky from time to time.

Perhaps the greatest hypocrisy in Port Erin's case is their schizophrenic approach to mobile catering units. It appears that it's okay to have mobile catering units in the heart of Port Erin at a Port Erin Commissioners owned site within a few minutes walk of several food retailers, but it will bring Port Erin's businesses to their knees if Rushen allows an ice cream van a licence to operate a mile away from the nearest ice cream shop.

Port Erin then try to explain how their refuse collection, collecting weekly from a much smaller geographical area, is in some way more cost effective than Rushen's more environmentally aware fortnightly collection. They mention collecting from businesses, each of which pays a commercial collection fee which more than covers the cost of collection in the Port. Rushen collects from two businesses, a school and a residential home each of which is charged an additional collection charge. We are uncertain why Port Erin raise this point but we don't see there is a significant difference in how we collect from non-residential properties.

As for the cost of collection, Port Erin in budgeting to spend £92,941.36 this year, whereas Rushen is budgeting £33,990. Clearly Port Erin has twice as many people to collect from so you might expect

their costs to be double those of Rushen. Also, as Port Erin collects weekly you might expect an increase in costs there too, but with lighter loads to empty perhaps not quite doubling it again. So far then Rushen might seem to be paying a bit more than Port Erin per collection, but when you take into account the geographical spread of the Parish 24.2 km squared as opposed to 2.57 km squared in Port Erin it seems Rushen ratepayers are getting a quite competitive deal. Approximately then Port Erin ratepayers appear to be paying £54/household whereas Rushen are paying £44/household for waste collection.

Rushen has expressed an interest both in a joint meeting with Port Erin and directly to the Clerk, in joining in the discussions with Malew and Port Erin to see whether more cost-effective services can be delivered. We have not as yet been invited to any meetings though we remain open to dialogue.

Port Erin goes on then to express their dismay at Rushen Parish Commissioners daring to fight Port Erin's fourth attempt to take over developed land in Rushen in living memory. As I mention elsewhere in this presentation the local authority rate will more than double and the rates grab comment came straight from the mouth of a Port Erin Commissioner at a meeting of the two authorities. An administration and finance cost which is twelve and half times greater than Rushen's seems to us to be a bit on the high side despite only being 82% plus inflation of what it was nine years ago. We didn't feel the need to check with Port Erin what they thought on this point.

As for the rates doubling in Rushen here's an example of a property with a rateable value of £182. Rushen rate for 18/19 was at 98p and the household collection charge is £67. The total local authority rates we should expect in a full year would be $.98 \times £182 = £178.36$ And the household refuse charge for the year is £ 67.00 Total Rushen rate for 18/19 will be £245.36

Port Erin Commissioners rate = 302p. PE rate for 18/19 is $3.02 \times £182 = £549.64$. So the Port Erin rate would be more than double Rushen's rate.

As mentioned earlier the cost per household in Port Erin is about £10 higher than Rushen for waste collection. Added to which our fortnightly service is less polluting, covers a ten times greater geographical area and helps encourage recycling. Also, as I said, Rushen remains open to collaborating with Malew and Port Erin if they would be willing to invite us to a meeting.

I believe that I have already dealt with the perceived precedent of previous applications, but to repeat, the accepted norm of inevitable growth to larger government, bigger municipal areas and government running everything has faced a significant challenge in recent years from the concept of smaller smarter government and a reduced role for big government which seems now to be winning favour.

As the Department has stated the rules for this inquiry have changed from previous inquiries. Previous inquiries were set against a background of central government seeking to redraft local authority boundaries, reducing the number of authorities and so creating larger authorities. Such changes of course never came about, and current government thinking seems to have moved away from this 'big is best' local government restructuring.

Rushen welcome's Port Erin's recognition that with the passage of time the Four Roads area has become one large connected built up area. We also welcome Port Erin's statement that they no longer wish to expand their boundary in this direction any further. We are sure that Port Erin is genuine in

this statement, but we suspect that if a further housing development to the north of Ballakilley gets approved in maybe another fifteen years-time a further boundary extension application would inevitably follow.

We could of course argue as to whether the expansion into Ballakilley is from Rushen or Port Erin. The whole of Port Erin's part of Ballakilley was and indeed still is accessed through Rushen and it is in Rushen the development started. The development is built on what was the green gap between Port Erin and Rushen and both authorities opposed the principle of development on the site, so it doesn't seem unreasonable to Rushen that each authority takes a portion of the development.

Port Erin then goes on to discuss Dandara's marketing of the site which they claim was marketed only as being in Port Erin. We have already demonstrated though that this is factually incorrect as we have a photograph of the promotional billboard stating the development is in Rushen, the website used the Rushen address and we have the testimony of the people who bought properties in Rushen being very clear that they were sold a Rushen house.

The price of a Dandara house in Rushen, Port Erin, Peel or anywhere else where Dandara is currently building will of course be the same for a similar property. The unfairness perceived by Port Erin is that they choose to levy a much higher rate than Rushen. It is in Port Erin's hands to reduce their costs and to close the gap at the same time as Rushen has been increasing the services it funds in recent years so closing the gap from the other direction.

I'm sure the former Clerk will be in a better position to answer the point made by Port Erin about postal areas so I will limit my comments here. As a personal note here when my wife and I first met we lived at Cronk y Voddee and were told that the postal address was Kirk Michael, Douglas. Clearly postal addresses are at best, not a good guide to where someone lives. With regard to the change of postal addresses to Port St Mary for Rushen's properties, this correction was made when Rushen became aware of the Post Office's error.

The situation whereby the houses on the Estate have PSM postal addresses is historical and stems from when postal deliveries for the south of the Island were delivered from 4 separate post offices, ie Ballasalla, Castletown, PSM and PE. At that time addresses on Old School Road, Rushen, Rushen School, Four Roads and so on were all covered by a postman operating from PSM Post Office.

Once the four postal delivery areas were amalgamated to operate from one unit at Ronaldsway Industrial Estate in the 1990s the same delivery regime was maintained in order to minimise disruption. That is, mail for these areas continued to be delivered by a PSM postman, addresses remained as PSM and items for collection continued to be left at PSM PO. Given that the two access roads to the Ballakilley Estate are from Church Road Rushen it would seem logical that addresses on this estate are also the same for the other houses in this area.

The same roundsman delivers the mail for the estate and surrounding areas and items for collection continue to be left at the PSM PO. It would seem very unlikely that the Post Office changed the postal addresses for the New Ballakilley Estate at the behest of the former Clerk of Rushen Parish Commissioners as it clearly makes sense from an operational perspective for all the houses in the area to have the same postal address, ie Port St Mary.

What is clear though is that there already is a Church Road in Port Erin, and having a housing estate moved to Port Erin but adjoining Church Road in Rushen seems likely to lead to confusion.

Port Erin then moves on to consider rates in their submission. That Port Erin offers different services to its ratepayers than Rushen offers is not disputed. Rushen provides different services to its rate payers including maintaining roads, hedges and rural footpaths and rights of way in an area ten times greater than Port Erin. Rushen accepts the vital role Port Erin is playing in offering facilities in the Port for tourists but would suggest that when completed the Ballakilley playing fields and recreational area will be as significant a contribution to recreation in the south as the facilities in Port Erin.

With regard to library services, Port Erin chooses to run an excellent library and Rushen chooses to make a contribution to it. Whether the level of this provision is necessary and indeed whether a lower cost jointly provided service could be provided is soon to be explored by recently formed working parties.

Rushen Parish Commissioners managed to purchase all the undeveloped land between Barrack's Lane and the Ballakilley development as well as the Barrack's Field. The Commissioners then sold land to Rushen Parochial Church Council for a trivial sum so that they could provide a car park and burial ground extension. The burial ground is of course paid for through a rate paid by Rushen, Port Erin and Port St Mary I think.

As for rejecting Port Erin's suggestions for meetings to discuss more collaborative working, Rushen actually initiated two such meetings last year and hopes to have more. While it is hard to see significant progress being made when Port Erin seem stubbornly resistant to consider anything other than its large intrusive government approach to service provision, we remain optimistic that a more healthy working relationship can be found. For example Rushen is also a housing authority, the smallest in the Isle of Man, and we are keen to work with Port Erin or indeed Port St Mary to see if they would be willing to undertake the service for us.

As for amalgamation, it is clear that Port Erin and Rushen are some distance apart in their approach to service delivery. Arbory and Rushen have though recently agreed to explore ways in which the authorities might reduce costs by greater collaboration and possibly even merger. Were the two parishes to join they would of course become the second largest authority in the south.

Rushen's approach to supporting the local economy is to leave money in the pockets of ratepayers so that they can choose to support local business directly. It is I feel a rather weak argument from Port Erin to say we're taking twice as much rates so that we can invest some of it back into the local economy rather than leaving it to ratepayers to decide.

The position of the boundary is quite clear certainly when compared with the national boundaries Rushen referenced in our written submission and the examples of the Port Erin/Port St Mary boundary running through the middle of the old Southlands building, the property split in two on the boundary between Arbory and Rushen at the top of Beatons Lane the two properties in Rushen which appear on the Colby Glen Road despite all the others being in Arbory, and the numerous other examples throughout the Island.

We also note from Port Erin's submission that if their application is successful, there will be a five year period during which the local authority rates of Rushen ratepayers will be increased to more than double their current level.

Criteria for the Consideration of Local Government Boundary Extensions

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

Rushen Parish Commissioners maintain that the whole of the Four Roads could be regarded as one community. 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.

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.

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

The Commissioners have included the broader comments of where a community begins and ends in their written submission, as they clearly demonstrate that most of those opposed to the proposal 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.

From the presentations made 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.

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;

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.

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 Ballakilley development with many Ballakilley residents preferring to use Port St Mary's shops and Post Office.

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.

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.

The comments from the Planning Officer's Report which Port Erin Commissioners chose to use, talk about a settlement. This settlement includes the communities of 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.

We believe that we have soundly demonstrated that there is 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.

That the area sought is an overspill or outgrowth of the promoters' area;

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.

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.

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.

Rushen Parish Commissioners strongly argue that this development had always been clearly stated as the only significant expansion available for Rushen in the Southern Area Plan. The site is surrounded by Rushen on two and a half 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.

That, wherever possible, clear physical boundaries are followed;

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.

The boundary is a straight line from Port Erin's established development at Pony Fields to the corner of Southlands. The proposed boundary adds two further lines making the boundary less clear.

Indeed, 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.

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.

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

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 in our written submission are of a clear straight boundary which shows the division of responsibilities of respective authorities, but not necessarily a divided community.

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

It is clear from Port Erin's submission here that they were unable to find any significant case to support their argument regarding this point. The best that they can come up with is that the sites remaining in Port Erin on which over one hundred new homes could easily be accommodated - as opposed to the three left in Rushen - would not be suited for family homes. Well they've just got ninety in their half of the Ballakilley development and there will be plenty more family homes built in Ballasalla and Castletown in the not too distant future.

The Ballakilley development in Rushen is now largely finished and occupied. These family homes when they become available for sale will not be limited to sale to Rushen ratepayers. I'm sure former or existing Port Erin residents would be as welcome to buy them as anyone else.

As stated in our written submission, 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 Parish 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 three properties.

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.

Our written submission 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.

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.

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.

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 over a hundred residential units.

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.

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;

You won't be too surprised to learn that 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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?

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

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.

Conclusion

In conclusion Chairman, Rushen Parish Commissioners feel very strongly that Port Erin Commissioners have failed to make a coherent case for change.

Rushen believes Port Erin have:

- 1] failed to demonstrate the area is part of a single Port Erin community and in fact proved the opposite;
- 2] failed to demonstrate that the facilities and services mentioned in the guidance for consideration are in Port Erin as the majority are in fact in Rushen or Port St Mary;
- 3] failed to demonstrate that this is overspill of Port Erin as it is clearly an overspill which began from Rushen's side of the now obliterated green gap between Rushen and Port Erin;
- 4] failed to present a strong argument regarding the creation of a clear boundary as this proposal would poke a finger of development into the otherwise straight boundary that already exists between the two authorities;
- 5] failed even to present an argument that there would be insufficient acreage for further development in Port Erin as quite clearly they have capacity for more than thirty times the development available in Rushen; and
- 6] demonstrated no balance of advantage in accepting the proposal. Instead considerable disadvantage would be created to Rushen Parish Commissioners who will have to provide and maintain the open space required for the properties Port Erin seeks to profit from.

Mr Chairman, of the forty-nine submissions to the DoI consultation which were published and were against Port Erin's proposal, thirty-one were from residents of the proposed extension area. We commented much more extensively on the submissions in our written submission, so I won't repeat them here. At the time of the consultation this represented over 50% of occupied properties. Nobody from the proposed extension area supported the proposal. However, those who responded to the consultation who did support the proposal gave reasons that were connected to rate reform or local government reform rather than the reasons you are here to consider.

The guidance criteria set out by Government are clearly established with a view to deciding on municipal boundaries. In interpreting these criteria, I would urge you to consider the thinking processes undertaken by politicians in considering this matter of municipal boundaries.

Mr Chairman, in relation to the first and most important criterion, Rushen Parish Commissioners is very clear that several communities exist in and around the Four Roads/ Ballakilly area. There is a planning view that this is one settlement or developed area which Port Erin relied on in their submission, however, as evidenced by our presentation thus far, several communities exist in the area, only one of which has the majority of the community facilities in it, and that community is Rushen. At best, the proposers argument is unclear and if it were to be considered as one community, that community would undoubtedly extend to the whole of the south or south west at least.

I will finish with comments sent to the Rushen Parish Commissioners by Mr and Mrs Stewart Ballakilly residents have asked me to share with you their thoughts.

Unfortunately, we cannot attend this meeting, but we are definitely against this. Apart from the fact that the move between parishes seems to arbitrarily increase everyone's rates for very little gain - (doubling ours), it seems like quite a lot of time and fuss to fix something that is entirely aesthetic and has no real practical significance to anyone living here. Unless some argument exists, I have not heard, then this seems to be a waste of everyone's time.

Mr Chairman, Rushen Parish Commissioners urge you to reject this flawed proposal.