

Proposed Ramsey (Boundary Extension) Order 2023

1. Background

- a. Ramsey Town Commissioners (**RTC**) have made an application to the Department of Infrastructure for an order under section 6 of the Local Government Act 1985 (the **LGA 1985**) seeking to extend the boundary of Ramsey, by moving the boundaries between the districts of Ramsey, Lezayre and Garff (Maughold Ward) to essentially remove areas from Lezayre and Garff and to include them within Ramsey's boundary (the **Application**).
- b. Lezayre Parish Commissioners (**LPC**) and Garff Commissioners object to the Application as do the vast majority of the 265 published responses to the consultation in respect of the Application.

2. The Criteria

- a) The following six factors are to be considered when an application is made for a boundary extension:
 - that the promoters' area and the area/s sought are really one community;
 - 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;
 - that the area sought is an overspill or outgrowth of the promoters' area;
 - that, wherever possible, clear physical boundaries are followed;
 - that there is insufficient acreage left for the development of the promoters' area within its borders and injury is suffered thereby; and

- 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.

(together, the **2004 Criteria**).

- b) When Port Erin Commissioners applied to extend the Port Erin boundary in 2019, a public inquiry was held on 4 March 2019 which was chaired by Geoff Karran MBE., TH., (**Mr Karran**). Mr Karran held on page 9 of his report dated 23 May 2019 (the **Port Erin Report**) that *“The 2004 Criteria did state that the 6 points set out should not appear to be exhaustive or exclusive and other points could not be considered in deciding on the application”*. We will comment on each of the 2004 Criteria and then make some further submissions below.
- c) Furthermore, although the 2004 Criteria prohibits either authority from making an argument about the impact a change in the boundary would have on their incomes from rates, Mr Karran held at page 6 of the Port Erin Report that *“I did allow individual objectors to refer to the impact on themselves if the extension was permitted”* (emphasis added). Although LPC is prohibited from making submissions about the impact the Application, if approved, would have on their rateable income, LPC does support the residents of Lezayre who would suffer financial implications if the Application was approved and their properties were suddenly held to be in Ramsey.
3. LPC’s submissions in respect of the 2004 Criteria
- a) That the promoters’ area and the area/s sought are really one community
- i. It was noted within the Port Erin Report that “community” is not defined either in the 2004 Criteria or within the LGA 1985.

- ii. RTC state (within their boundary extension report, at page 18 (in respect of the North Ramsey Area) and repeated on page 23 (in respect of the West Ramsey Area)) that “*Any Development in the North of the Island depends on Ramsey as a service centre*”. In terms of the North Ramsey Area, they state that “*development in this area would clearly be seen to be an extension of Ramsey and benefit from the services and community that Ramsey provides*”. However, notwithstanding this rather broad statement, RTC does accept that “*property at the Dhoor presently is distanced from and unlikely to be seen as part of the Ramsey community*”.
 - iii. We submit that there is no definition of the word community and the mere proximity of the promoter’s area and the area sought is insufficient to argue that the two areas are really one community. If proximity alone was enough to create one community, then why has RTC readily accepted that the Dhoor is not seen as part of the Ramsey community.
 - iv. Furthermore, (and as detailed further below at 4) it is accepted that Ramsey is a service centre for the North of the Island. It logically follows that many services and infrastructure are provided in and from Ramsey and not necessarily by RTC. These services benefit both the residents of Ramsey itself and those who live in the surrounding areas, including the service villages and other settlements situated within the North of the Island, which include far more areas than those sought by RTC in the Application. It does not follow that because residents in the surrounding areas can access services provided in and from Ramsey, then those surrounding areas are simply one community with Ramsey.
- b) That there is community of interest in all or most public services, social agencies and communal requirements of the future:
- i. RTC acknowledge that the North Ramsey Area (page 18), the West Ramsey Area (page 23), the Glen Auldyn Area (page 29) and the South Ramsey Area

(page 34) are all in the catchment area for Sulby School, which is in the parish of Lezayre. The properties in each of the areas sought pursuant to the Application do not fall into the catchment area for the Ramsey primary schools. The properties are however in the catchment area for Ramsey Grammar School, which is the only secondary school in the North and which obviously has a far greater catchment area than Ramsey town and the areas sought by RTC pursuant to the Application.

- ii. RTC state that there are no youth club offerings within the parish of Lezayre but there are youth clubs, Scout Groups and Army Cadet Groups operating within Ramsey. We submit that it would be expected given Ramsey's status as a service centre, that Ramsey has a broader youth club offering than the surrounding service villages and settlements, but this should not be construed as indicative of a community of interest. The provision of such groups in the North is not exclusive to Ramsey alone – for example there is a Scout, Cubs and Beavers unit in Ballaugh and a Rainbows and Brownies unit in Andreas. RTC also state that there are no "*easily accessible parish facilities*" in terms of children's play areas but there are village park recreation offerings in Sulby, Ballaugh, Andreas, Jurby and Bride albeit not on the same scale as the Mooragh Park or Coronation Park in Ramsey, which is not surprising given Ramsey is both a town and the service centre for the North. Please see table 14 in the Draft Area Plan for the North and West which details open spaces and community facilities in the North (page 109).
- iii. RTC state that it "*is highly likely that engagement in formal sporting activity is in the main achieved through utilisation of opportunities provided within Ramsey Town*". Again, we would submit that this is not surprising given Ramsey's status as a town and as a service centre for the North. However, sporting opportunities in the North are not limited solely to Ramsey. For example, there is Ayre United Football Club and Ballaugh Bowling Club to list just two examples. Furthermore, given ease of travel residents in the North are free to travel across the Island to utilise their sport of choice as are residents in

differing areas of the Island who are free to travel to Ramsey to utilise their sport of choice. This point is dealt with succinctly at 13.6.5. of the Draft Area Plan for the North and West where it states that “*it is acknowledged that members of the public who reside in one region, may well be regular users of sporting and recreation facilities in neighbouring areas. This is considered to be particularly true of residents of Parishes and Local Authority Areas which are located in close proximity to the larger settlements within the North and West, such as Ramsey*”. We wholeheartedly agree with this observation and submit that the provision of sporting and recreation facilities in Ramsey does not equate to a community of interest with the areas sought by RTC pursuant to the Application.

- iv. In terms of religious worship, RTC highlights the closure of Lezayre Parish Church, St Fingan’s Chapel at Glen Auldyn and Dhoor Chapel, emphasising there are places of worship for Methodist, Roman Catholic and Church of England faiths in Ramsey. However, it is disingenuous to suggest these are the only options available to worshipers in the North. Andreas, Sulby, Ballaugh and Jurby each have their own (Church of England) parish church under the Parish of the Northern Plain. Furthermore, there are active Methodist churches in Bride, Sandygate and Sulby. It is accepted that Our Lady Star of the Sea is the only Roman Catholic church in the North and that it is situated in Dale Street in Ramsey. Therefore, although residents in the areas sought by RTC pursuant to the Application may choose to worship in Ramsey we submit that this option does not equate to a community of interest.
- v. It is accepted that “*retail and other accessible Government services are provided within Ramsey*”. However, we submit that this is because of Ramsey’s status as the service centre for the North and is not as a direct consequence of there being a significant community of interest between Ramsey and the areas sought by RTC pursuant to the Application. The proximity and accessibility of these services available to all the residents of the North does not automatically equate to a community of interest between Ramsey and the areas sought.

- vi. We submit that it is worth noting that there are a number of community halls, throughout the North, outside of Ramsey, which could be utilised by any social group or private function. These include but are not limited to: Andreas Parish Hall, Sulby Community Hall, St Stephen's Church Hall (Sulby) and, slightly further afield, parish halls in both Ballaugh and Jurby not to mention the Jurby Community Centre. Ramsey does not provide the only available community halls available in the North and although there are community hall options provided within Ramsey we submit that this cannot be argued to reflect a significant community of interest.

 - vii. There is only one doctors surgery in the North, Ramsey Group Practice, which is obviously situated within Ramsey but it is not provided by Ramsey. The same staff provide certain services at the branch surgery situated within the Jurby Community Centre and have done since 2012. There are two dental surgeries in Ramsey, Grove Mount and Smile Dental Care. Again, we submit these are in Ramsey but are not provided by Ramsey. The next nearest dental surgery is situated in Laxey. Again, we submit that the provision of doctor and dental surgeries in Ramsey, as a town and service centre, is not unexpected and it does not imply a significant community of interest between Ramsey and the areas sought by RTC pursuant to the Application.
- c) That the area sought is an overspill or outgrowth of the promoters' area
- i. RTC submit that the land to the north of Ramsey's northern boundary is a "*natural extension to the town boundary*" (page 19) as is the land in Lezayre to the west of Ramsey's western boundary (page 24). We would submit that there is a substantial difference between "*a natural progression*" (page 19) of the boundary and the area sought being considered an overspill or outgrowth of the promoters' area. RTC have already acknowledged that the Dhoor "*forms part of its own settlement*" (page 19) and given the significant agricultural land in this vicinity we submit that this area simply cannot be construed as an overspill or outgrowth of the promoters' area.

- ii. RTC state that “*according to the Draft Area Plan for the North and West there is almost no remaining land for development*” (page 19). Please see below at (5c) in relation to our comments in respect of the Draft Area Plan for the North and West as we submit that there is land available for development within (a) the existing Ramsey town boundary and (b) on the scale that is actually required based on the facts and circumstances known at this time.

- iii. In respect of the West Ramsey Area, some of this area sought does have proximity to the current town boundary but we submit that this cannot be considered an overspill or outgrowth of Ramsey. Development in this area has been explored via an application submitted by Dandara (application: 20/01080/B) in respect of land at Lower Milntown (the **Lower Milntown Application**). This proposal was for a residential development of 138 dwellings which was refused on 4 May 2022 and refused again at appeal on 1 March 2023. In the decision notice dated 4 May 2022 reasons are listed for the refusal which included “ . . . *there is no requirement for additional housing within Ramsey at this scale*” and that although the site was allocated for development in the Isle of Man Development 1982 Order “ . . . *more recent information outweigh the site allocation and as such the development should be refused*”.

- iv. Had planning permission for this proposed development been granted, part of the development would have occurred within the Ramsey boundary and part of the development would have occurred in Lezayre. This would have been a similar situation to the one which unfolded at the Ballakilley estate whereby part of the estate was built in Port Erin and part of the estate was built in Rushen, and the subsequent change to the Port Erin boundary was to enable the entire estate to be in Port Erin. However, as the Lower Milntown Application was refused (and refused again on appeal) we submit that this land cannot be considered to be an overspill or outgrowth of Ramsey.

- v. We also suggest that contrary to RTC's assertion on page 24 that "*the land to the north of this area dominated by the Innovation Centre is clearly an overspill of the town boundary along the Jurby Road*" the Mountain View Innovation Centre cannot reasonably be considered part of Ramsey or an overspill thereof. Its own website states it is situated "*outside Ramsey*".

 - vi. In respect of the Glen Auldyn Area, we submit that this cannot realistically be construed as an overspill or outgrowth of Ramsey either. RTC themselves acknowledge that "*development at Glen Aulydn is separated from the Town by the Milntown Estate and Ramsey Golf Course*" (page 27). The Milntown Estate states very clearly on its website that it is "*set in the beautiful parish of Lezayre*".
- d) That, wherever possible, clear physical boundaries are followed
- i. In respect of the North Ramsey Area, the boundary line has been "*purposefully brought round the properties at the Dhoor as the ribbon settlement at the Dhoor forms part of its own small settlement*" (page 19). However, from the responses to the consultation – a resident has objected to the way the boundary line is drawn as it runs along the curtilage of those properties meaning residents would effectively have to enter new Ramsey just to leave their homes (ref Andrew and Wendy Turner). We would submit that clear physical boundaries have not been followed as drawn in the Application.

 - ii. It has been noted in the responses to the consultation that the Application omits two properties in Glen Auldyn from the new proposed physical boundary. Again, we submit that clear physical boundaries have not been drawn in the Application.
- e) That there is insufficient acreage left for the development of the promoters' area within its borders and injury is suffered thereby

- i. Section 5.2.7 of the Draft Area Plan for the North and West states that one of the key elements for the Island Spatial Strategy for the North is most housing in the North should be focused on Ramsey in line with the current allocations in the Ramsey local plan (namely, the current Ramsey Local Plan 1998). RTC state that “*development in Ramsey has all but been exhausted*” (page 19, page 25, page 31 and page 35). However, we submit that this is not the case.
- ii. Section 14 of the Draft Area Plan for the North and West details the residential housing requirement calculations (page 115 onwards). Housing Policy 1 and Strategic Policy 11 in the Strategic Plan set out the projected housing needs of the Island between 2011 to 2026 and state that such needs will be met by making provision for sufficient development opportunities to enable 5,100 additional dwellings to be built between 2011 and 2026, and 1,540 of these will be new units built in the North (770) and West (770).
- iii. There is an outstanding need of 343 houses (see table 18 on page 117) which is proposed to be mainly satisfied by development at “*two specific sites in the Service Centres (one in Peel and one on the edge of Ramsey which is in Lezayre Parish), two smaller sites in the Service Villages of Andreas and St Johns and two sites in the Villages of Ballaugh and Sulby*” which could create 318 houses. This would leave a small deficit of just 25 houses – over both the North and West.
- iv. Presumably, the proposed development described above is the refused Lower Milntown Application (referred to c (iii) above). However we submit there is still no significant disparity between the number of opportunities for additional dwellings to be built and the number which can be delivered. For example, there has been an application submitted by Hartford Homes (application 23/00744/B) for permission to build 153 dwellings at Vollan Fields (the **Vollan Fields Application**). This is currently pending consideration as at the date of these submissions. There is also another pending application submitted by Blythe Church Investments Limited dated 7 June 2022 (application 22/00679/B) for

- permission for a combined approval in principle and full approval for a residential development seeking planning permission for 66 dwellinghouses and 12 flats and outline planning permission for up to 127 new residential units at land at Poyll Dooley (the **Poyll Dooley Application**). This is currently pending consideration as at the date of these submissions.
- v. Furthermore, in the decision notice dated 4 May 2022 in respect of the Lower Milntown Application, the Department of Environment, Food and Agriculture found that *“there is no requirement for additional housing within Ramsey at this scale”* which contradicts the assertion by RTC that there is insufficient acreage left within the existing Ramsey boundary.
- vi. At section 8.6.3 of the Draft Area Plan for the North and West it is acknowledged that *“comparably high building densities within the town limit the options for infill development to meet housing need”*. However, *“the 2021 Census shows a high property vacancy rate of 16% and quayside buildings have become unoccupied in some areas. Bringing un-occupied sites and buildings back into re-use will benefit the local economy, enhance the townscape quality and increase the available number of residential dwellings”*. At 9.3.4 it states that *“Underinvestment in quayside buildings has resulted in vacant properties and underoccupied urban sites that mar the public face of Ramsey. Consequently, there is a need for regeneration of these sites, together with sympathetic flood risk alleviation measures and public realm improvements, so as to enhance the public face of the town centre and bolster the local economy”*.
- vii. Considering the above, we submit that there is not *“insufficient acreage”* left within the existing Ramsey boundary to satisfy the identified housing need. Furthermore, we submit there is no opportunity for Ramsey to suffer any injury as a consequence of there being insufficient acreage left within the existing Ramsey boundary, nor if the Application was refused.

- f) 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.
- i. For the reasons stipulated above we submit that the balance of advantage does not lie in accepting the scheme.
- ii. RTC acknowledge that the land sought in the North Ramsey Area (page 19), the land sought in the West Ramsey Area (page 25) and the land sought in Glen Aulydn Area (page 31) is currently not zoned for development. We submit that none of these areas can therefore be construed as being an overspill or outgrowth of Ramsey and even if RTC could successfully argue they have insufficient acreage left for development within the existing town boundary (which we would argue against for the reasons set out above) we see no merit in RTC trying to remedy this alleged development deficit by taking land that has not, at this time, been zoned for development.

4. Ramsey as a Service Centre

- a) It is accepted that Ramsey is a service centre for the North as detailed in The Strategic Plan at section 5.7 which states:

“A hierarchy of service provision is detailed with Douglas, as the capital, identified as the main centre with Ramsey, Peel, Onchan, Castletown and Port Erin acting as service centres. Under this come a number of service villages, including Andreas and Jurby, and then a number of other settlements with little to no service provision, including Bride, Ballaugh and Sulby”.

- b) It therefore follows that many services, community requirements and agencies are available in Ramsey (in its capacity as both a town and as the only service centre in the North). Consequentially, residents of the surrounding areas will likely travel to Ramsey (as opposed to Douglas or another service centre, due to

its proximity) to avail themselves of these facilities and services. However Northern residents may well choose to travel to Douglas or another service centre as, likewise, people who live in the West, East or South may choose to travel to Ramsey to use certain facilities. The provision of these services and facilities in and from Ramsey should not be construed as all being provided by Ramsey and nor should this be interpreted as Ramsey and the areas RTC seek under the Application as being one community.

5. Timing of the application by RTC

- a) The Application is dated September 2022. RTC refer to their proposed boundary extension as being forward looking with a wish to “*establish a boundary which will be relevant for a reasonable period into the future*”(page 11) with an emphasis on avoiding future conflict where development “*might be sought to be drawn into a future revised boundary having already been constructed in an adjacent parish*” (page 11). We submit, as detailed below, that there is currently a lot of uncertainty in terms of the draft status of the Draft Area Plan for the North and West, the introduction of the All-Island Area Plan and the time left to run in terms of the current Strategic Plan and as such timing of the Application is premature.

- b) The Town and Country Planning (Isle of Man Strategic Plan) Order 2016 was approved by Tynwald on 15 March 2016 and came into force on 1 April 2016. The Strategic Plan sets out the general policies for the development of and use of land across the Isle of Man and, as detailed at section 1.8, has a timeframe of 15 years (2011-2026). We acknowledge that this does not mean the Strategic Plan will terminate at the end of 2026 but rather the Strategic Plan will continue until it is reviewed. However, as we approach the end of 2023, the Cabinet Office has already (between 21 July 2023 and 29 September 2023) undertaken preliminary publicity signalling the start of the review process into the Strategic Plan. We can therefore assume that, in the fullness of time, the existing Strategic Plan will be reviewed, and therefore could be subject to change. We feel the timing of the Application is premature.

- c) Furthermore, the Draft Area Plan for the North and West is just that – it is only a draft and has been since at least the date of the written statement which was 24 June 2022. There was preliminary publicity and a consultation between April and June 2021, and it will be subject to a public inquiry, potentially further amendments and then will be put before Tynwald for approval. We are very conscious that this document may be subject to any amount of change, amendment and clarification which means its contents, as currently drafted, lack certainty. As such, we submit that the timing of the Application by RTC is premature.
- d) In addition, RTC refer to the Isle of Man Economic Strategy within the Application and references the intention to increase the population to 100,000 (page 19). However, this is not quite what the Isle of Man Economic Strategy (now) says – that is to “*plan for an estimate population increase of 15,000 by 2037*”. Again, we submit the Application is premature, there are no formal, approved plans that put RTC under an obligation to deliver housing within Ramsey to satisfy part of any intended population increase at this time.

6. Recent Planning Applications in Ramsey

- a) There have been three recent planning applications made which concern sizeable developments in Ramsey namely:

Date	Description	Status	RTC Consultation
18 September 2020	The Lower Milntown Application	Refused	Objected

29 June 2023	The Vollan Fields Application	Pending consideration	Submit an observation: the impact on the infrastructure of the town (Stone Bridge), provision of tertiary services and flood risk.
7 June 2022	The Poyll Dooey Application	Pending consideration	No objection

- b) We would submit that whilst the Vollan Fields Application and the Poyll Dooey Application are still pending consideration, it would be difficult to argue that there is insufficient acreage left within Ramsey to develop, especially when the actual number of residential properties identified as being required within the Draft North and West Area Plan are considered.

7. The Isle of Man Strategic Plan

- a) The Strategic Plan at section 5.7 states:

“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 [merging or joining – emphasis added] of settlements and maintaining their local identity.

Strategic Policy 2 states:

“New development will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions of these towns and villages”.

A Sustainable Urban Extension is defined as *“the planned expansion of a city or town and can contribute to creating more sustainable patterns of development when located in the right place, with well planned infrastructure including access to a range of facilities, and when developed at appropriate densities”.*

Strategic Policy 3 states:

“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”.

- b) We submit that the Application contradicts the above. We submit that the Application is not an effort to make a sustainable urban extension of Ramsey but would be a coalescence of settlements, in each of the four areas sought but particularly at Glen Auldyn, together with an erosion of each area’s local identity.

8. Constituency Boundaries

- a) RTC refer to the question of electoral boundaries and levels of proportionate representation at page 11 of their application. They go on to state that the *“question of constituency boundaries is of course a matter for Tynwald to consider and ought to have no bearing on the outcome of the boundary extension”.* We would concur with this statement and submit the current constituency boundaries are an entirely separate issue which are neither relevant nor applicable to this application.


9. Statement of the Head of Planning Policy, Cabinet Office

- a) We note section 3.2 confirms that Emerging Plans (which include a Draft Plan) *“can be seen as ‘other material considerations’ but this doesn’t imply they should be afforded a specific level of weight in decision making”* and at section 3.4 *“... there is more certainty about a plan’s direction after it has been through a Public Inquiry than one which hasn’t”*. The Draft Area Plan for the North and West has not been through a public inquiry as at the date of these submissions and accordingly we repeat our submissions above regarding the timing of this Application by RTC.
- b) We echo the comments made in section 5.1.3 which confirms that 1,540 new dwellings in the North and West are required and to *“plan for a different figure would not be in the general conformity with the Strategic Plan”*. Section 5.3.3 confirms that the housing need for the remainder of the plan period (i.e. to 2026) could be met by 63 new homes within the existing settlement boundary of Ramsey and the remaining residual need of 102 satisfied via one site – the Lower Milntown Application. Notwithstanding, that the Lower Milntown Application was refused (and RTC objected to it) there are two sizeable planning applications, the Vollan Fields Application and the Poyll Dooley Application, which are pending consideration as at the date of these submissions and we repeat our submission that there is not insufficient acreage left within Ramsey to satisfy the housing need identified.
- c) Section 5.3.5 refers to Paper P.EP 01 (Island Spatial Strategy Options) which identifies the residual need for housing between 2021 and 2037 – based on a 10 year housing growth projection for 100,000 people) as being 278 additional new dwellings in the North with Ramsey (as a service centre) expected to accommodate a high proportion but not all of those new dwellings. However, even if RTC intended to plan for this figure, we submit that RTC has not adequately argued within the Application that:

- i. they have insufficient acreage within the existing boundary to enable them to provide land for a proportion of this expected housing requirement;
- ii. by taking the areas sought pursuant to the Application would remedy this alleged land deficit; or
- iii. RTC would suffer injury due to being unable to satisfy an obligation to provide a certain number of additional new dwellings pursuant to an adopted plan which has been approved by Tynwald.

10. Costs

We request that the Chairman orders that the expenses (including legal fees and disbursements) incurred by our client, LPC, in connection with the Application for the purpose of LPC's attendance and legal representation at the inquiry are paid in full by RTC in accordance with section 5 of the Inquiries (Evidence) Act 2003.


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7 December 2023
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