

The effect of this order is to designate Hong Kong and New Zealand as countries with which we have bilateral arrangements under our 1978 Maintenance Orders (Reciprocal Enforcement) Act so that Isle of Man maintenance orders can be enforced in their courts and their maintenance orders can be enforced by the Manx courts. Mr President, I beg to move, sir.

Mr Lowey: I beg to second, sir.

The President: I will put the resolution, hon. members, standing at item 5 on your agenda paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

ISLE OF MAN PLANNING SCHEME (KIRK MICHAEL LOCAL PLAN) ORDER 1994 — OBJECTOR HEARD — MOTION CARRIED

The President: Turning next to item 6, hon. members, we have a rather unusual situation here. Section 14 of the Town and Country Planning Act of 1936 provides that with respect to orders under the Act such as the one referred to in this item, any local authority or interested person may appear at Tynwald when such order is being considered and may oppose the approval of such order. There is neither a requirement to submit a memorial in the usual way, nor a requirement to obtain the leave of the Court. It is, however, for the Court to decide when and in what way objections will be heard. If hon. members agree, I invite any persons who wish to address the Court to come to the bar of the Court and make themselves known. The motion can then be formally moved and objectors heard and questioned in the usual way before the debate takes place. Is that agreed? (*It was agreed.*) Thank you. Now, are there any such persons at the bar of the Court?

Mr I W Brown: Yes, indeed, Mr President. I appear on behalf of Mr Robert James Lewis, an interested party.

The President: Thank you. Now, hon. members, I will call upon the hon. member for Ramsey, Mr Groves, to move the motion formally and the Court will then hear the objectors after that motion has been formally seconded. Thank you.

Mr Groves: Thank you, Mr President, I beg to move:

That Tynwald -

(a) *approves the Isle of Man Planning Scheme (Kirk Michael Local Plan) Order 1994; and*

(b) *endorses the policies set out in the Kirk Michael Written Statement that accompanies that Order.*

The President: A seconder, please.

Mr Cannan: I have pleasure in seconding and reserve my remarks, Mr President.

The President: Thank you. Now, hon. members, I call upon learned counsel to address the Court.

Mr Brown: Mr President, thank you. I have with your leave circulated written submissions of my client which I hope hon. members will have had a chance to look at. Very briefly, I will go through those submissions and try and emphasise the points of objection to the approval of this order in the form submitted to the hon. Court.

My client is the owner of land within the district and is thereby affected by this proposed order. My client appeared before, and made representations to, a public inquiry held earlier this year when the development plan for the area was under consideration. Hon. members, Mr President, I would refer to the report of Roger Wolstenholme, an independent inspector appointed under legislation and his report is dated 19th August. He was in charge of the local public inquiry.

If I can turn to the actual concerns, there is an area of land between the highroad, lying to the east indeed of the highroad, behind the existing development which is zoned for residential development and this land goes up towards where the Slieau Curn estate is currently still, I think, being developed. The first concern of my client is that the Slieau Curn estate itself will have quite a considerable number of housing units but only one main access which will be on to the main road. In other words, the estate access is limited, both for that estate and indeed for the other residential land as zoned to the south, only to the A4 which is the main road through the Kirk Michael village. My client's view - and I think it is supported by indeed officers working with the Department of Highways and Transport - is that there are insufficient accesses on to the main road and indeed as development of this area proceeds, one can see that the only real access at the moment is on to the main road, thereby perhaps creating some dangerous junctions presenting hazards. It is not feasible, in my client's submission, for there to be any further volume of traffic routed from the Slieau Curn estate, let alone any other developments to the south of that estate, on to the main road.

The independent inspector did give consideration to these matters and in particular to views of the officer of the Department of Highways, a Mr Wilson, and it was drawn to the inspector's attention that there was proposed a bypass. This would be to the east of this area of land to which I refer, bypassing the Kirk Michael village. The exact route of course is speculative because there are no firm plans for it, but it is a matter, I understand, which is a policy matter to be considered in the future.

Now, a bypass has certain features. A bypass would be effectively a through-road with no junctions coming on to it, no side roads or access points on to it. The inspector considered very carefully the evidence and the effect of this and he came to the conclusion that a bypass was entirely inappropriate. He stated that what was designated as a proposed bypass should be described as a local distributor road. It would no doubt serve some of the functions of a bypass, but it would permit of access from not only the existing Slieau Curn estate, where perhaps there is already an insufficiency of access on to a main

highway, but also from the land zoned for residential development to the south, thereby taking further volumes of traffic away from the already, as I understand it, stretched A4 highway through the Kirk Michael village.

Now, the department has put before this hon. Court its own report and it has come to a very different decision to that of the independent inspector who looked into the matter and held the public inquiry, and if I could refer you, Mr President, to appendix A of the submission by the department, paragraph 5, that deals with this bypass road question, and the department's view is that it should be a bypass, in other words, thereby effectively, in our submission, restricting further development, not only perhaps in the Slieau Curn estate but also on the other land zoned for residential development lying to the south of that estate.

It would seem that if the department's view is held it would also be contrary to the views expressed in evidence before the inspector by officers of the Department of Highways. I think that in all the circumstances Mr Lewis, my client, has genuine concerns about the recommendations of the department which are or would seem, to be so contrary to the independent inspector's views, he having had the chance to look at the whole matter with the benefit of a public inquiry and with the benefit of his undoubted expertise in these matters, and further, with the benefit of expert advice on the questions relating to highways. Yet, as I say, the Department for the Environment have come to a different decision in relation to planning matters. Therefore my client earnestly urges this hon. Court to consider his submissions and objections in the light of what he perceives to be the public interest and the interest in particular of the area under review in respect of this proposed development order. Mr President, if there are any questions, clearly I will endeavour my very best to answer them.

The President: Thank you, learned counsel. Does any hon. member wish to address questions to learned counsel? The hon. member for Michael.

Mr Cannan: May I ask the learned attorney is he aware that the village plan as presented to this Court has the full support of the commissioners and all other persons in Kirk Michael and that the only objector is his client who seeks to have the plan amended for the benefit of his land so that he can develop for residential purposes, for which at this moment in time, in the view of the commissioners and the people of Kirk Michael, there is no great urgency or requirement?

Mr Brown: Mr President, I cannot clearly say whether or not the lack of other persons appearing before this hon. Court is an indication as to whether they object, whether they approve or whether they are merely indifferent as to the passing of the order in its present form. I can clearly acknowledge and accept that my client does have an interest in some of the areas, the lands which are zoned for residential development. He has no interest in the development of the Slieau Curn estate and one of his objections, clearly set out in my submission, is the worry

about the access from that estate, which is quite a large one potentially, which would be restricted only to the main A4 highway leading through the village. I do not think that the question could really be answered in any other way.

Mr Groves: Could I ask learned counsel, are you aware and do you agree that the current zoning of your client's land within this proposed plan is identical to that in the current Kirk Michael Local Plan which is contained within circular 12/91?

Mr Brown: Indeed, Mr President, that is entirely correct and I am aware of that point. That, however, is not really the point at issue in relation to this submission and the objection of my client. It is really the decision that has been made by the planning department to go away from the inspector's recommendation as to the designation of the potentially new bypass/highway/feeder road, whatever, and that is the real problem because by changing the nature of that proposed new road there will be effectively denial of my client's and perhaps others' existing rights in respect of the land zoned for residential development. That is the real problem, sir.

Mr Cannan: Would the learned counsel therefore agree, following the question from the Minister for Local Government, that were this hon. Court today to reject, and I sincerely hope they do not reject, this new Kirk Michael plan your client would be in exactly the same position? He would still have, because the existing Kirk Michael plan would then continue in force, the same rights of access to his development land, or lack of rights of access?

Mr Brown: Mr President, I find it difficult to answer that question but can I put it this way? There is nothing at this point to indicate what may or may not happen in respect of further access roads which may become available other than what we see in this draft development plan. Can I put it this way? There would certainly be no objection if the draft plan were to be approved, but as in the form recommended by the inspector at the public inquiry, and I think that is the point. I think what my client is seeking to achieve is that the development plan is indeed passed but as originally intended or proposed, should I say, recommended, by the independent inspector. That is the point.

Mr Groves: You have confirmed, sir, that the current plan therefore maintains the status quo of that established in 1991 and adopted by Tynwald. Do you also agree that the question of a bypass was raised at the previous inquiry on the current plan on 27th September 1990 and that the issue of a distributor road at that time was then not raised and that the actual recommendation made in the current plan - and we have established that your client's zoning of the land has not been altered - was that a study into the feasibility and desirability of a bypass road should be initiated as a matter of priority if this were to prove feasible and the preferred line would be to the rear of the white house? Can you confirm that, please?

Mr Brown: I have to say, Mr President, I do not know the exact details of the previous inquiry or recommendations. I do know that the question of access and a bypass road has been raised and has been under consideration for some time. I also know that from evidence given by an officer of the Department of Highways before the inquiry it is certainly my client's understanding that a bypass was not perhaps the most appropriate answer but a distributor road would be more appropriate, and that indeed was the finding of the independent inspector.

Mr Walker: Mr President, could I ask learned counsel if either he or his client have had any discussion with the planning authorities or the DHPP regarding access to the site which is zoned for residential development since the publication of this written plan?

Mr Brown: I have to say, Mr President, no, there has not been time in which to do that.

Mr Walker: And has anything been said, Mr President, other than what was said at the public inquiry, which may lead your client to believe that lack of access to this area which is zoned for residential development would be likely to restrict development within that particular area?

Mr Brown: I am not aware of anything specifically that has been said.

Mr Walker: There have been no discussions then on that?

Mr Brown: I am not aware of any discussions, Mr President. I do not think it is contemplated that this land would be developed in the near future. I do not believe there are any plans for any development of the land, although clearly it is a long-term matter and planning is very much a long-term concern of all the members, I am sure, and indeed the whole population of the Island.

Mr Cannan: A final question, sir. Is the learned counsel aware that there is nothing to stop his client, in seeking to have access to the predominantly residential area designated, to build his own distributor road into that land from the Lhergy Vreck entrance, at his own expense rather than have it built at the expense of government? Because is not that the nub of the case, that if he wishes to have a road into there he can negotiate and build in from the access at Lhergy Vreck which he was wanting government to do in this presentation: to build a distributor road?

Mr Brown: Mr President, I would have to say that neither I nor my client have intimated in any way that we wish any access to be built at public expense to the benefit of any land that may be owned by my client. That is not the point at all, and I would say this, that surely there may well be matters of considerable import raised by the highways authority in respect of any such proposal. It may well be in the future that the person who owns this land may well wish to, as is suggested, build his own distributor road and find a new access on to the main highway. That

may well be possible, that may well be something that will happen in the future, but it may well not get away from the problem that if there is to be a publicly built main road taking away traffic which is currently impinging upon the amenities of the Kirk Michael village, and that access to that road is restricted from any other developments to the east of it, then quite frankly, sir, all I can say is that we are losing the point of the whole submission made by my client.

Mr Groves: Could I ask learned counsel a question? I understand that your client attended the public inquiry which was on 28th July. Subsequently we have heard that the report from the inspector was dated and produced on 19th August and, I believe, issued into the public arena towards the end of that month of August, and I realise that you have said there has not been time to talk to anybody since then about access and accessibility to your client's land, but could I ask whether at the public inquiry your client mentioned at all this issue that you have now raised of the bypass or distributor road?

Mr Brown: I cannot be clear as to what exactly the evidence was before the inquiry word for word, whether my client mentioned it specifically. It was, I understand, Mr President, more a matter which was raised by the officer from the Highways Department. What I would say, though, in answer to the question is this, that whilst it is right that the inspector's report was produced as is stated, that report of course was most welcomed by my client, welcomed as being a sensible, practical and correct answer to the matters before the public inquiry. The reason of course why there have been no discussions or consultations was that there was no necessity for there to be such. What we now have, though, is the department's recommendation which resiles from the recommendations in the inspector's report. That is why my client appears before this hon. Court today and makes his submissions.

Mr Groves: Finally, Mr President, may I draw inference from that that at the time of the inquiry your client already knowing the present plan then current and still current today had recommended a bypass road and that a suitable investigation into that be carried out by the Department of Highways, was clearly content with that particular position until subsequently when the report became available and he realised that there had been some discussion about the type of road that was to be suggested to be implemented and at that point he began to see perhaps the opportunities for the road being changed from a bypass road to a distributor road?

Mr Brown: I am not clear, Mr President, that that was in the mind of my client. It is clear to me that a bypass road had been suggested as a possibility. It was looked into in more detail at the most recent public inquiry by the independent inspector. The independent inspector has made recommendations which do not encompass a bypass road. Now, my client as a resident of Kirk Michael - and has no plans, I can tell this hon. Court now, to put in plans for the development of this area in the foreseeable future - it is

not a question of him looking, if I may put it this way, to gain an advantage as a private individual. He is concerned that an independent inspector has carried out an inquiry, has come to certain conclusions, has put those conclusions forward very clearly and, my client would suggest, with some force, but the planning department has not agreed with those conclusions and has gone back to its original suggested draft plan, as I see it.

Mrs Christian: Mr President, could I ask the learned counsel, given the fact that this review was perhaps an unscheduled review in the normal run of events with regard to any plans because it was prompted by a resolution of the Court, have you enquired whether or not the next scheduled review might be taking place, bearing in mind that you have indicated that your client has no immediate plans to progress any development in this area?

Mr Brown: No, Mr President, I have not made any enquiry as to whether there might be a further review and I would not have thought, sir, in all fairness, that it would be likely to be in the near or even short to middle-term future.

The President: Are there any further questions for learned counsel? If not, thank you very much, learned counsel. I now call upon the hon. member for Ramsey to present his address to the Court on this resolution.

Mr Groves: Thank you, Mr President. The Kirk Michael plan was originally adopted by Tynwald on 18th February 1992. This followed the appropriate process of the preparation of a consultative written statement and draft local plan which then set down the relevant suggested policy in the recommendations. Secondly, subsequent to comment on that consultative document the written statement and local plan were issued and formed the basis for further views prior to and during the public inquiry which for that plan was held on Thursday 27th September 1990. Thirdly, on completion of the inquiry the chairman of the inquiry submitted his recommendations to the Department of Local Government and the Environment. And finally, the final document was then prepared and submitted to and adopted by Tynwald on 18th February 1992.

Hon. members will recall that on 16th February 1994 Tynwald approved a resolution which stated, 'That Tynwald is of the opinion that Kirk Michael Village Plan should be amended to make provision for a sheltered housing complex in 2.12 acres of field 0093 currently designated for low density housing development and parkland; and requests the Department of Local Government and the Environment to bring forward an appropriate order under section 6(1)(c) of the Town and Country Planning Act 1934.' Subsequently, the department gave due consideration to this opinion expressed by Tynwald Court and determined that the Kirk Michael plan be reappraised in accordance with the procedures set down in the Town and Country Planning Acts. Public notice to this effect was issued on 24th May 1994 and views were sought. The period for submission for views ran until 24th

June 1994 - one month. All the views that were received were considered in full.

Subsequently a revised draft local plan and accompanying written statement were prepared in the light of the views received and formed the basis for comment at the public inquiry. Copies of the written statement and plan were forwarded to the Kirk Michael Commissioners on Wednesday 29th June 1994 and comments from the public were then sought.

All views submitted were made available to the inspector prior to the inquiry. In addition, representations were made to the inspector during the course of the inquiry which subsequently took place on 28th July 1994, and as we have heard this morning, on completion of the inquiry the inspector submitted his report to my department dated 19th August. We in my department have considered his report in detail and after determining that a new Kirk Michael local plan order should be made hence submitted that in the form of the resolution today to this hon. Court. The department considered very carefully comments made by the inspector following the public inquiry, all the views submitted to him by the public, local authorities and all interested parties.

It is important for hon. members to remember that this local plan in front of you simply seeks to change two areas from the plan which we approved in this hon. Court in February 1992. Specifically, as the plan hon. members have in front of them will show, it dezones an area of land which I can best describe as being in front of the White House, Kirk Michael which previously was zoned as low-density housing and parkland. It dezones that coming west from the White House completely, and we have no presentation this morning from the owner of that land to disagree with that rezoning, and it rezones the bottom piece of the land adjacent to the main road for residential purposes. That zoning would allow a higher density of development than previously low density and parkland would have done and therefore makes the land available for whatever kind of higher density development would meet with the approval of the planning authority in accordance with this plan.

There is no line drawn on the plan which indicates a route for the bypass. The original plan that we approved in this hon. Court in 1992, as I say, and recommendation 8.9 of that plan recommended that a study into the feasibility and desirability of a bypass road should be initiated as a matter of priority and if these were to prove feasible, then the preferred line would be to the rear of the White House.

Now, that has not taken place. It is perfectly true that at the inquiry a representative of the Department of Highways, Port and Properties indicated that they would prefer this road, if and when it were ever built. I understand that no study has been undertaken, no plans are afoot at all yet, even from a general wide time frame point of view, for its consideration, let alone construction. But if it were to be built the Department of Highways would prefer it to be a distributor road.

Now, frankly, I can understand that view from the narrowly focused responsibility of the Department of Highways because if it were to be a distributor road it is most likely that when any developments were to take place

of the land adjoining it on either side, then the developers would be asked to contribute to the cost of the road. If it is a bypass eventually at any time in the future, then there is no access from the road and no possibility of asking developers to contribute to the cost of it. Now, from the narrow point of view of the Department of Highways I accept that that is a perfectly reasonable comment to make, but in planning terms we believe it would be quite the wrong decision to make because no matter what learned counsel tells us, history tells us that once you put a road in like that you will invite development to distribute from it, and it is all very well standing here saying, 'We will only distribute to the West.' Who says? For sure as we are sitting here, eventually they will distribute or seek to distribute to the East as well. That is what a distributor road does.

I can understand the presentation by learned counsel this morning on behalf of his client, particularly when, I have to say, this particular issue was not raised directly with the inspector either before when views were sought from the public or interested parties or at the public inquiry by learned counsel's client. He merely discussed at the inquiry and put forward his points regarding the proposed sheltered housing development in the village. It was only after the inspector - quite correctly, as learned counsel has said - indicated that this should be a distributor road that this opportunity was first realised by learned counsel's client, and I do not blame him for that but that is the fact of the matter.

But my department's clear view is that to call this notional road, a distributor road as the inspector has recommended and as the Department of Highways wishes from its own narrow viewpoint, although correct would be opening a door to development of land which currently it is very important, it is felt, to keep as the current zoning of agricultural land, scenic significance, landscape value, protecting the countryside.

The inspector in his report went on to make a number of general recommendations which my department, through the offices of my predecessor primarily do not in the main disagree with but we rather wished not to implement them now but to take note of the comments that the planning inspector made at the beginning of his assessment of general recommendations when he said, 'I am aware that it is the intention of the Planning authority to bring forward an Island wide Structure Plan which by its nature will refer to general strategic policies which would ultimately become reference points for each local plan as prepared and reviewed.' Now, the planning inspector went on to say that, however, he thought we should start implementing some of these general strategic policies that will form part of an Island-wide structure plan now in this local plan.

My predecessor and the department, and I support it, took the view that that was premature. Whilst it might seem comfortable to start knocking a few theoretical nails into holes in the wood, it was premature to decide on the basis of approving a local plan what the Island-wide impact strategic policies, general structure would be and indeed might mitigate against some development of the Island-wide strategic plan which is currently under consideration and under discussion. We include within that any attempt

to change what we currently have before you, hon. members, Mr President, in this local plan and particularly I bring into that my remarks that I have made with regard to a bypass road, and I would ask hon. members to support the resolution standing on the agenda paper to approve the Kirk Michael local plan order as it is written, sir. Thank you.

Mr Cannan: Mr President, I first want to, on behalf of the residents of Kirk Michael, take this opportunity to defer until after the vote is taken, to thank Tynwald for supporting their request when they came with a petition and delegation that a perceived wrong in the original Kirk Michael plan did not enable the village to have sheltered accommodation in a field zoned for development because it was high density, and following the Tynwald resolution the department had a public inquiry on 28th July and at that public inquiry the hall in the village was packed and it was unanimously impressed upon the inspector that the will of the village was, in concurrence with the will of Tynwald, that this small area of a field already designated for development should be changed from low density to high density to enable the sheltered housing to proceed. And the inspector in his wisdom, and you have the report before you, could have immediately followed the Tynwald request and had just over two acres of the field for sheltered housing and left the remaining five acres for low density housing. Instead he changed the designation and reduced it to three and took away five acres already designated for development, and the owner of that land, in the public interest and the interest of the community, is not here today to seek to have his land restored to development. That is the measure of support in the community so that this project can get under way, and I ask hon. members to fulfil the commitment they gave in February and support the plan as it is.

Now, we have had and you have heard one person who attended throughout the inquiry and who has perceived that it would be a good idea if the taxpayer paid for a distributor road into his development. I have no objection to his field being developed, but I do say that there is nothing to prevent the developer, if he wants access to build these houses - and I have to say there is no desire in the village that it should be developed because it would cause chaos in the schooling and infrastructure because there would be a large number of houses with children and so on, and we all know the problems with that - but if the person does wish there is nothing to stop him, as the Chief Minister has said, in negotiating to build his own road and his own access into that development.

So I ask hon. members today to keep faith with that community in Kirk Michael and support the resolution as it stands. Thank you, Mr President.

Mr Walker: Mr President, I am going to support this plan as being recommended by the hon. mover of this resolution and I am going to support it for all its content, which includes the rezoning of the piece of land for perhaps sheltered accommodation. It also includes the zoning of the land that has been referred to by learned counsel this morning and I think when we are approving this plan we

should all acknowledge that we are approving that, including the hon. member for Michael, so there is a consent to the overall zoning of the land that has been referred to.

I see no problems as far as the sheltered housing piece goes at all. I do not quarrel with it. I think it has been proceeded with in the right way and we have reached a conclusion.

I have to say, though, that I do not dismiss the concerns that have been expressed before this hon. Court this morning and, yes, the situation will be the same when this plan is approved as it was under the last plan as regards the bypass road. But it seems to me that legitimate concerns have been raised in the minds of landowners, concerns brought to light by the DHPP officials and the planning inspector when considering the proposals, and it seems to me that the minister, if he can when he responds to this resolution, should be saying that he does not believe that anything in this development plan should prejudice the overall development of the land that has been referred to this morning in a proper and full way. I think that we owe that to the interested parties here today.

There is also a 'Catch 22' situation that I would just like to draw members' attention to, and perhaps the minister could respond to this as well. We have heard this morning that there is no desire on behalf of the people in the village to see the land developed that has been referred to. The owner of the land has said that he has no immediate plans for its development and yet policy 5.13 indicates that if there has been no progress towards development of land that is allocated within a period of five years, then a conscious decision ought to be taken of whether or not that land is removed from the Development Plan, and it just seems to me that there could be an unfortunate sort of set of consequences in that and I would like the minister to comment on that, please.

Mrs Christian: Mr President, I will support the resolution in that I think basically we are talking about something which the Court seeks to do in relation to sheltered housing, and one would not wish to hold that up for other reasons. However, I would agree with the Chief Minister that there are legitimate concerns being raised here about the nature of the roads to be designated in this area.

I think when we discussed the sheltered housing issue the hon. member for Castletown made it clear that we would have to go through the whole planning procedure and review of the plan at that stage and clearly there was an opportunity there for people to raise other issues other than the sheltered housing area designation.

I wonder if, when replying, the minister would indicate - he has already perhaps illustrated that the department have accepted this opportunity to take on board some of the recommendations of the inspector by virtue of de-zoning part of the area which was previously zoned for development and by changing the designation in relation to the sheltered housing project - are there any other areas apart from the reference to this road which the department have rejected from the inspector's report?

The concerns about the road, I feel, are some which we

could very well get into a debate about. Whether or not the view of the Department of Highways, Ports and Properties is different from the minister's view is one which I think, although perhaps obviously financial considerations come into it, perhaps should not swing, as the hon. member for Michael has indicated, on the view of the landowner, and he has attributed certain reasons to that landowner for wanting to make this change. Whether he is right in that I do not know. One has to make one's own assessment of that. But the Court, I feel, would want to discuss this area with regard to the safety of the whole development and whether or not a bypass, given that this whole area is designated for development, would present the best safety option or whether a distributor road would present the best safety option in the longer term, and I feel that we do not really want to get involved in a debate on that today.

However, I wonder if the hon. minister would indicate when the next review of this particular plan will be taking place and how that will fit in with the timetabling for the strategic plan which he has referred to this morning.

The President: May I call on the minister to reply. Hon. member.

Mr Groves: Thank you, Mr President. I thank those hon. members who have spoken in support of the resolution - the hon. member for Michael, Mr Cannan.

With regard to the comments made by the Chief Minister, I can wholeheartedly agree with the view stated that this plan in no way is intended to prejudice the development of any landowner's land which is remarked upon or contained within the various denominations on the plan. But I think we do also have to remember that it is not the purpose of these plans to specifically determine what the infrastructure of a particular specific area might be in order to allow a particular landowner to realise development gain from his land. We must look at the overall area of, in this case, Kirk Michael and its village, and I think it is worth remembering that the original concept of a bypass, as I understand it, came forward initially for two main drivers - firstly, some alternative to relieve during TT traffic, and more importantly, to relieve traffic through the village centre, the main street, which is often very heavily parked up on one side and relatively narrow, and the commissioners from time to time have asked for 20-mile-an-hour speed limits and so on, and this was the original purpose of seeking a bypass route for the village, not in any way to open up any particular area of land for further development, although naturally then initial considerations of a bypass began to make those sorts of suggestions and possibilities apparent.

This particular plan, if approved by this hon. Court today, will have a five-year life from today. But we are not running on a five-year time scale from the current plan approved in February 1992. So we might say that some extra years are now offered to landowners in terms of whether they will develop their land or not five years from now.

With regard to the actual determination of the road, that of course lies within the remit primarily of the Department of Highways, Ports and Properties. It is quite true that they

are concerned about the ramifications for development if residential development were to take place in all the areas currently zoned for residential use, let alone the changes we make here in terms of access. But that is their job, that is what they are there for, that is their responsibility, and it is up to them to exercise their powers and for developers to meet with their requirements. I doubt that a developer would seek to meet requirements by asking the taxpayer to build a bypass, call it a distributor road and then have lots of roads leading off it. It might be possible at some date in the future to build a bypass road that had some cul-de-sacs leading off it in one direction only, but nevertheless that opens up the possibilities that I outlined earlier to hon. members about pressures for further development elsewhere.

With regard to the hon. member for Council's question as to the strategic plan, that has been progressing over the past year quite substantially. It involves looking at also, apart from the simple matters of planning and land use, the impact of land use in terms of economic development on the Island as a whole, so it is a fairly in depth study, of which planning and land use is the prime aim for it but there are many other areas to consider and evaluate in order to see how they will impact upon land use determination in the future. That is very important. I believe that planning does have a regard to economic interest and the way in which the government and this hon. Court determine that the Isle of Man should prosper and grow and develop. I do not believe planning should be developed in isolation from those important areas.

I have no completed time scale for the completion of the strategic plan yet but it will certainly be before this plan comes up for reassessment.

I believe that answers questions raised by hon. members. I would echo the comments made by the Chief Minister. The concerns which have been expressed at the Bar of the hon. Court are real as far as the applicant is concerned and certainly they are concerns which my department will very much consider if and when they are approached on the matter, and I am sure that I speak also for the Department of Highways, Ports and Properties when I say that.

Thank you, Mr President. I would ask hon. members to support the resolution nevertheless.

The President: Hon. members, I will now put the resolution standing at item 6 on your agenda paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

WIDOWED FATHER'S ALLOWANCE SCHEME 1994 — APPROVED

The President: Item 7, the Minister of Health and Social Security.

Mr May: Thank you, Mr President, I beg to move:

That the Widowed Father's Allowance Scheme 1994 be approved.

Hon. members will recall that at the July sitting I outlined proposals for the introduction of a Widowed Father's Allowance Scheme and that I received approval to develop a scheme in line with those proposals. Accordingly the scheme, which is now before hon. members, reflects those proposals. It had been my intention to present this scheme for approval at last month's sitting of the Court, but unfortunately it has taken a little bit longer than anticipated to finalise matters.

The scheme is for implementation from April 1995 and the intention is to provide some financial support for widowed fathers which is based on the arrangements which as far as possible represent parity with the existing arrangements for widowed mothers. The scheme will therefore provide two benefits: a widowers' payment, being a lump sum of £1,000 payable immediately on bereavement, and a widowed fathers' allowance, being a weekly allowance.

Hon. members will be aware from my explanations at the July sitting that complete parity with the arrangements for widowed mothers is not possible. This is because the Widowed Father's Allowance Scheme will have to be operated outside of the reciprocal agreement with the United Kingdom.

Hon. members will also be aware that the practical effect of this is that although the range of benefits and conditions of entitlement under the scheme will be the same as for widowed mothers, only contributions by the late wife as an Isle of Man insured person will count towards the contribution conditions. United Kingdom contributions therefore can not be counted. This is purely a consequence of the scheme having to be operated without the advantages of the reciprocal agreement. This is a matter which is outside the control of my department and if at some future date equivalent benefits for widowed fathers were introduced in the United Kingdom it would be then possible to negotiate a reciprocal arrangement.

It should be remembered, however, that in determining where the contribution conditions are satisfied for the purposes of the scheme, full advantage will be taken of the special arrangements which exist to assist people who have had home responsibilities, and these arrangements, known as the home responsibilities protection, have been in place since April 1978 and in particular assist persons who have a child or children under the age of 16.

The effect of home responsibilities protection is that it serves to reduce the number of qualifying years required for the purpose of retirement pension and widow's benefit. In other words, it makes it easier to qualify for those benefits.

Home responsibilities protection will be taken into account as appropriate when the contribution record of the late wife is being examined in connection with this scheme. The arrangements will be applied in exactly the same manner as they would be applied in the case of a claim for widowed mothers' allowance, and as I explained at the July sitting, the Widowed Father's Allowance Scheme will apply to widowers who are ordinarily resident in the Isle of Man and who have dependent children, and the definition of 'dependent children' is the same as for the purposes of the widowed mothers' allowance.

