

Consultation on Marine Infrastructure Regulations

Closing Date: 16th February 2024

Douglas City Council Response

Are you responding on behalf of an organisation?

Yes

Organisation

Douglas City Council

May we publish your response?

Yes, you can publish my response in full

PRE-APPLICATION AND ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

Do you agree that the Department is considering the inclusion of the principles contained within the Infrastructure Planning (Environmental Impact Assessment) Regulation 2017 as adapted and modified within the Marine Infrastructure Regulations?

Yes

Please explain your view:

This seems a sensible approach however the Council will reserve final comments until the Council can review a draft of the regulations.

LIST OF CONSULTEES

Do you agree with the proposed list of consultees and the circumstances under which they will be consulted?

No

Please explain your view:

Passenger/Freight Transportation Services should be included within the list of consultees.

Are there any other consultees that you think should be identified in the list above?

Yes

If you said yes, then please list which other consultee(s) you think should be added and for what purpose should they be consulted:

All relevant passenger and freight transportation services either serving the Isle of Man or passing through the stipulated Manx waters.

PUBLICATION OF DETAILS

Do you agree with this level of publication, by an applicant, of a proposed application?

No

Please explain your view:

Assuming passenger/freight transportation services are included as consultees then consultation should also be published within appropriate passenger/freight transportation publications/journals. If passenger/freight transportation services are not included as consultees then it is essential that consultation is published within appropriate passenger/freight transportation publications/journals.

PRE-APPLICATION ENVIRONMENTAL INFORMATION REPORTING AND ENGAGEMENT

Do you agree that a similar process to the PEIR should form part of the pre-application consultation process for Marine Infrastructure Consent?

The Council does not have a particular view but supports the measures the Department is taking to establish whether a PEIR should be required.

Please explain your view: **N/A**

Can you see any benefits from the inclusion of a requirement pre-application whereby stakeholders have the opportunity to review and consider the preliminary studies and work done to date, and have an opportunity to provide feedback prior to an application being submitted?

Yes

Please explain your view:

The potential for a more comprehensive and informed application, albeit at the expense of more time, cost and effort of all stakeholders/consultees.

The potential for consultees and other stakeholders to consider the views of other consultees in coming to their own view.

A PEIR would highlight early in the process (rather than wait for the final application stage) if there are any significant issues to the overall development/scheme. This could put more

pressure on stakeholders. Of particular concern would be the ability of assessment departments within IoM Government to cope, e.g., DEFA, DoI.

Is there another mechanism that you propose which would benefit the overall application and decision making process ensuring there is sufficient stakeholder engagement at an early, pre-application stage?

Yes

Please explain your view:

As part of the Climate Change Act, a number of tools have been derived to assist in estimating likely climate impact – are these being considered by the advisors alongside the UK models to see if they can be used as part of any pre-application assessment?

ENVIRONMENTAL IMPACT ASSESSMENTS (EIA)

Do you agree that the proposed contents of an EIA as listed above adequately covers all areas of interest to be included within an EIA and subsequent Environmental Statement?

No

Please explain your view:

The EIA should also describe and assess the installation and operating greenhouse gas emissions and impact on climate change. No scheme should be allowed to progress if it is contrary to or contradicts the Isle of Man Government's Climate Change Act and road map. The EIA should consider the holistic environmental impact of any proposed scheme.

EXEMPTIONS

Do you agree that the above activities should be exempted from requiring a Marine Infrastructure Consent (they would still require relevant consents under the extant consenting regimes prior to being undertaken)?

Yes

Please explain your view:

As the legal owner of Douglas foreshore and Port Skillion beach, no infrastructure should be permitted on either without the need for a Marine Infrastructure Consent following consultation with Douglas City Council.

Are there any other activities that you feel should be exempted from requiring a Marine Infrastructure Consent (noting that it only already applies to Controlled Marine Activities, as identified in section 6 of the Act)?

Yes

If yes, please list which other activities you feel should be exempted from requiring a Marine Infrastructure Consent:

Any operations carried out solely for the purposes of beach management such as the removal and redistribution of material as part of re-profiling operations. 'Works' needs to be defined. Maintenance works on existing outfalls should be exempt but extensions should not be.

FEES

Do you agree that the consent process under MIMA should be as cost neutral as possible, and that costs are recovered as far as possible from the applicant?

Yes

Please explain your view:

Seems logical, provided the fees also cover the costs of transportation to the Island and accommodation, etc. for the examiner(s) when needed.

Do you agree that the Isle of Man should seek to charge a comparable amount as is charged in the UK through the Planning Inspectorate?

Yes

Please explain your view:

Seems logical, provided the fees also cover the costs of transportation to the Island and accommodation, etc. for the examiner(s) when needed.

Do you suggest any other charging mechanisms that have been successfully used to recover costs to Government from the handling and examination of applications for Marine Infrastructure Consent regardless of the outcome of any such applications?

No

Please explain your view:

The council is unaware of any other charging mechanisms.

CROSS-JURISDICTION WORKS

Do you agree that the elements of an application which are proposed to sit outside the Controlled Marine Area should be considered as part of a Marine Infrastructure Consent?

Yes

Please explain your view:

Seems logical.

Do you believe that it should be limited to some elements of an application for Marine Infrastructure Consent, or should it be applicable to all elements that sit outside the Controlled Marine Area?

Should be applicable to all elements that sit outside of the Controlled Marine Area.

Please explain your view: **No further comment**

Are there any specific elements of an application which are proposed to sit outside the Controlled Marine Area that you believe could be considered as part of a Marine Infrastructure Consent?

Yes

Please explain your view:

Any elements that are part of a structure or infrastructure that lies predominantly within the Controlled Marine Area.