

email: [michael.gallagher@gov.im](mailto:michael.gallagher@gov.im)  
Tel: (01624) 685903  
Fax: (01624) 686443  
**Director of Planning & Building Control**  
**Michael Gallagher, M.R.T.P.I.**

Marian McSeveney  
Electricity Grid Policy & ISLES II Project  
Energy Markets  
Energy and Climate Change Directorate  
Scottish Government  
4th Floor, 5 Atlantic Quay,  
150 Broomielaw,  
Glasgow.  
G2 8LU

15<sup>th</sup> April 2015

Dear Ms McSeveney

### **ISLES consultation - Spatial Plan & Sustainability Appraisal**

Thank you for providing the Isle of Man Government with the opportunity to review and comment on the above document. We found it a very interesting consultation document and eagerly await its outcome. On behalf of the Isle of Man Government (and our agency Manx National Heritage), I would comment as follows.

#### Comments on overall approach

In its central position in the Irish Sea, the Isle of Man has a considerable interest in minimising any collateral or cumulative impacts on the marine environment, as these could affect much valued biodiversity and cultural heritage as well as social and economic interests. The parameters proposed for the ISLES Spatial Plan, especially those set out in the Locational Guidance, seem to be comprehensive in the issues that may arise and the mitigation measures which should be considered in order to reduce or obviate any adverse impacts. The document provides the reader with a robust and comprehensive overview of what will be undertaken as part of this project. The Isle of Man Government is satisfied from the information in this document that all international environmental standards and best practice will be adhered to when undertaking and analysing the data obtained within the identified area, and will ensure appropriate mitigation measures are in place to address any concerns identified throughout the Environmental Impact Assessments process. You may already be aware that the Island is outside the EU so is not covered by most European directives. We expect the relevant European environmental safeguards and best practice to be followed.

The Isle of Man Government is satisfied that the cumulative effects will be thoroughly investigated. However, of particular concern would be the habitats and species found within Isle of Man waters (particularly those protected under Manx law or identified as threatened or declining by the OSPAR Convention) which may be affected by the proposed developments. Any

marine developments within or adjacent to our waters could potentially impact on commercial fisheries in Manx waters so it would be appreciated if we were kept up to date on any progress being made.

We would be happy to confirm the location and details of Isle of Man conservation sites and protected species (in Manx legislation) within the proposed area. It is important to be aware that these are at a stage where there could be frequent changes. The Isle of Man is also signed up via the UK to the OSPAR Convention, the Convention on Migratory Species, ASCOBANS and other international conventions.

However in any forthcoming environmental assessments, the Isle of Man Government would look out for closer investigation of certain less well understood effects, such as the effect on basking sharks of electromagnetic fields generated around marine cables.

#### Comments on impact on shipping navigation routes and established infrastructure

We would also appreciate if acknowledgement is given to our shipping navigation routes and established infrastructure within the Irish Sea Zone.

We would welcome any further information relating to the impact on shipping lanes and navigation routes, particularly those which might affect shipping traffic to and from the Isle of Man (Ferry and Freight Operations). Safety of shipping and navigation systems is a key concern of the Isle of Man Government.

Any significant risk of incident due to interference with the safe operation of shipping is of concern to the Isle of Man Government who depend upon a good safety record with regard to transport to and from the island. The Isle of Man depends upon our transportation systems for our economic development e.g. tourism, import of goods. The ISLES Project are urged to fully engage with both Isle of Man Government, the Isle of Man Steam Packet Company and Mezeron Limited on this issue.

We would also welcome further information on any telecommunication or power cables which may be affected by the proposed development, of particular concern would be those running through Isle of Man territorial waters.

#### Comments about the interconnection of grid networks

The Isle of Man Government is supportive of the proposed holistic approach to the interconnection of grid networks to enhance the integration of marine and offshore renewable energy around the Irish Sea. Such an approach will reduce transmission capital costs and improve the economic viability of any renewable energy projects. Due to its location in the middle of the Irish Sea, the Isle of Man has a potential strategic role in facilitating the transfer of power between neighbouring jurisdictions.

The Isle of Man Government has a strategy to generate offshore power from renewable energy and recently announced the appointment of offshore wind and tidal developers to progress projects in the Isle of Man territorial seas. Although no Isle of Man landing sites are proposed in the ISLES Spatial Plan there may be further economic benefit of clustering renewable energy projects in the Irish Sea to a central onshore location on the Island.

The Isle of Man Government is supportive of the proposal for the Spatial Plan to assist developers in reducing consenting risks and planning for an interconnected transmission network. We are also very supportive of the proposal for the Spatial Plan being flexible enough to accommodate any theoretical project during the Plan period.

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## Comments relating to Isle of Man legislative and policy context

There are some references to the Isle of Man Marine Plan eg “The Isle of Man Marine Plan is due to be implemented in 2015 the plan will outline the Government policies for Manx Territorial Waters that also takes account of the economic, environmental and social issues.”

However it should be noted that this information is now out of date. Currently the Isle of Man Government is not progressing any work on the preparation of a Marine Plan. Instead work is focussing in a review of the primary legislation. It is proposed to introduce a streamlined consenting regime for new developments within the Isle of Man’s territorial seas. The aim of this new marine legislation is to ensure a sustainable approach to marine development and provide additional clarity and certainty of the consenting process for potential developers. The introduction of new primary marine legislation will fulfil the commitment to Tynwald to put in place a single consenting system for large-scale developments for the Isle of Man’s territorial seas.

This new consenting process would deal with applications for activities such as offshore renewable energy projects, submarine cables and pipelines, gas drilling, carbon capture and storage and the commercial extraction of aggregate and associated works. For all other applications, the current legislation will continue to be applied. Currently as consultation is taking place on the draft legislation until 24<sup>th</sup> April 2015 (see <https://www.gov.im/transport/ConsultationDetail.gov?id=492>)

Pending the approval and introduction of the proposed new marine legislation, the current legislation and consenting process will continue to apply. The Isle of Man Government has published guidance for parties interested in developing within the Isle of Man’s territorial seas. This Guide highlights the legislative framework and consenting processes currently in place (see <http://www.gov.im/categories/the-environment-and-greener-living/marine-planning/guide-to-developers/>).

### **Response to Specific Consultation Questions**

**1)** Do you agree with the approach used to develop the Plan? Are there aspects of the Draft Plan that you believe should be improved? Are there any aspects you believe should be taken forward differently?

#### Comments

The concept of strategic planning for energy infrastructure is great and we support the approach.

However, the Plan would benefit from making more use of information on Manx waters. Areas that could be expanded include the consideration of basking sharks, harbour porpoises, Risso’s dolphins and other species in Manx waters. Extensive information on all aspects of the Manx marine environment is available in the Manx Marine Environment Assessment: <https://www.gov.im/categories/the-environment-and-greener-living/marine-planning/manx-marine-environmental-assessment/> Better use could be made of the environmental information provided in this publication.

If important future decisions are made on the recommendations of the Plan we would like to see more reference to relevant information for Manx waters. Early consultation with the Isle of Man Government would facilitate consideration of more up to date information.

#### **Department of Infrastructure**

Murray House, Mount Havelock, Douglas, Isle of Man, IM1 2SF

In particular we would like to emphasise the international importance of the Irish Sea for basking sharks (IUCN red listed, OSPAR priority species). The area to the south west of the Isle of Man is of particular Manx interest but the species ranges widely throughout the waters of the British Isles. Detailed information now exists on the distribution of basking sharks in Manx waters and beyond. In 2009 74% of all British Isles public sightings of basking sharks were reported from the Isle of Man (Marine Conservation Society 2009). We hope that you will ensure that the use of the proposed site by basking sharks is fully assessed. Recent tagging work by Manx Basking Shark Watch may give additional insight which will assist with this. We would also like to draw your attention to additional research into cetaceans that has been carried out since 2005 by Manx Whale and Dolphin Watch which has highlighted the importance of Manx waters for Risso's dolphins and other cetaceans.

The consideration of basking sharks, a species of major conservation interest in the study area and globally, does seem to be poor. For example, elasmobranchs are mentioned in section 10.2 of the Plan but basking sharks are not mentioned specifically which is an omission. Isle of Man waters are of international importance for basking sharks and we would like to see the species considered in future planning for cables and other installations. For example, based on current information available the precautionary approach would suggest that hotspots of basking shark activity should be avoided whenever possible when considering cable routes.

As landowners of a number of coastal sites, Manx National Heritage would pay close attention to the potential effects on seabird feeding grounds and migration/commuting routes to and from the Isle of Man. As custodians of coastal properties which support breeding seabirds and seals Manx National Heritage are concerned that the marine environment remains able to sustain healthy populations of these animals on land and at sea, particularly at their feeding grounds. The main areas for generation clusters off the north coast of the Isle of Man and the east coast of Northern Ireland (ISLES Spatial Plan & Locational Guidance Fig. 5) may be relevant to the feeding movement of little terns and Manx shearwaters respectively. By itself, the installation of marine cables may not have too great an impact on seabirds if sensitively sited to avoid disruption of food sources during the breeding season, but the interaction of the cable engineering activity with development of offshore renewable energy sources should be carefully managed to avoid unwelcome and unlooked for impacts on biodiversity.

**2) Do you have any views on the findings of the Sustainability Appraisal Report? Do you think that all the social, economic and environmental effects (positive and negative) have been identified? Are there other issues or alternative options that should be taken into account?**

This report appears to make good use of the Manx Marine Environmental Assessment and gives some consideration to Manx fisheries.

We welcome avoidance of important fishing grounds where possible and reiterate the importance of early consultation and liaison with the fishing industry where fisheries impacts are unavoidable.

The broad guidance on minimising impacts to protected sites and species is good. In particular, we are pleased to see guidance on reducing EMFs and would like to see basking shark hotspots considered more specifically in the context of EMF effects.

**3)** The Socio-economic Impact Report has identified a range of potential impacts on existing sea users. Do you have any views on these findings? Do you think that the proposed mitigation measures would be effective? Do you have any additional suggestions?

We would support the concepts of minimising cable routing through important fishing grounds and burying cables whenever possible to reduce conflicts with mobile fishing gear.

**4)** Do you agree that the Plan is a useful tool for greater co-ordination between Partner administrations? Please include any suggestions you have for further enhancing this co-ordination in future.

From a fisheries and marine conservation perspective, more co-ordination with the Isle of Man Government in considering cable routes would be beneficial.

The Manx Marine Environmental Assessment brings together information up to 2013 and more recent updates on fishing activity and distributions of protected species and habitats can be provided by the Isle of Man Government's Department of Environment, Food and Agriculture (DEFA) . Fishing patterns do change from year to year so it is important to make decisions to minimise impacts based on the most up to date information. Knowledge of basking shark distributions is increasing all the time with the deployment of satellite tags and other research work so this information is constantly being updated too.

Although Manx waters constitute a small proportion of the overall study area, there is a lot of information available on the use and value of Manx waters that should be fully considered.

**5)** Does the plan provide suitable arrangements for monitoring environmental and social effects during the implementation of the Plan? If not please detail why and provide suggestions on how this could be improved.

There are few details on the monitoring of environmental and social effects. More details on monitoring and the opportunity to input a Manx perspective in developing monitoring would be appreciated.

It is important to build in scientific monitoring of the consequences for marine life post-construction and into the operational phase. The documents provided as part of the ISLES Spatial Plan do not appear to allow for ongoing environmental monitoring which could yield information about the long-term and cumulative effects of marine cables and the associated renewable energy developments. Involvement of local environmental groups such as Manx Basking Shark Watch, the Manx Whale and Dolphin Watch and the Marine Conservation Society would be helpful in this respect.

**6)** The Plan, if implemented, should be reviewed to take account of actual development and increasing knowledge of development factors. How often do you believe this should be done and why? Who do you believe should be involved in the Plans Review Steering Group, to oversee the review process?

In terms of making good use of fisheries and ecological information, which will be

regularly updated, review of the plan on at least an annual basis would be worthwhile.

The Isle of Man Government should be consulted to provide updated information that may influence decision-making.

**7)** Are you aware of any additional on-going research or monitoring that may help to fill gaps in the evidence base, particularly relating to the marine environment and its interactions with subsea electricity cables? Please give details of additional relevant sources.

We note that some of the mapping of Isle of Man interests in the Spatial Plan and Locational Guidance is incomplete:

- Fig. 13 Network Area 2: Biodiversity, Flora & Fauna. None of the Island's key protected sites (ASSI, Ramsey Bay Marine Nature Reserve, Ayres NNR, MNH properties, Curragh Ramsar Site, fisheries closed areas) are located on the map.
- Fig. 16 Network Area 2: Cultural Heritage. The location of wrecks around the Isle of Man appears to be well covered, but there is no indication of Ancient Monuments or other areas of archaeological or cultural significance. The setting and surrounding views of such sites are often an important part of their appeal so they should be taken into account.
- Fig. 17 Network Area 2: Landscape and Seascape. It would be worth pointing out the scenic value of the Island's coast line and perhaps the fact that the Isle of Man is applying for Biosphere reserve status.

Manx Basking Shark Watch is a Manx NGO which is actively researching basking shark behaviour and movement in Manx waters and beyond.

[www.manxbaskingsharkwatch.com](http://www.manxbaskingsharkwatch.com)

[http://www.asso-apecs.org/IMG/pdf/Final\\_report\\_-\\_Sur\\_les\\_traces\\_du\\_requin\\_pelerin\\_-\\_Feb\\_2011.pdf](http://www.asso-apecs.org/IMG/pdf/Final_report_-_Sur_les_traces_du_requin_pelerin_-_Feb_2011.pdf)

<http://www.gov.im/lib/docs/transport/planning/msp/baskingshark.pdf>

Manx Whale and Dolphin Watch is a Manx NGO carrying out research into cetaceans in Manx waters:

[www.mwdw.net](http://www.mwdw.net)

**8)** Do you have any other comments you wish to make on the Plan and / or the related assessments

A strategic and co-ordinated approach to infrastructure planning is to be commended and we would support future initiatives based on this concept.

From an Isle of Man Government perspective we would hope that any future developments making use of the outputs of this project fully consider impacts on the environment and economy of the Isle of Man. In particular we would highlight:

**Department of Infrastructure**

Murray House, Mount Havelock, Douglas, Isle of Man, IM1 2SF

- Our important commercial fisheries for king scallop, queen scallop, crab, lobster, whelk, Nephrops, herring and other species
- The important herring spawning grounds to the east of the Isle of Man
- The international importance of Manx waters for basking sharks and the important basking shark research being carried out by Manx Basking Shark Watch
- The importance of Manx waters for marine mammals, including Risso's dolphins, harbour porpoises and grey seals
- The presence of salmon, sea trout and other diadromous fish populations in Manx waters/ rivers
- The presence of horse mussel reefs and other European priority habitats in Manx waters.
- The location of Ramsey Marine Nature Reserve and other conservation designations and fisheries spatial management zones in Manx waters (some permanent, others temporary/seasonal)

For more information about all these issues please refer to the Manx Marine Environmental Assessment or contact DEFA for more information.

Note: page 15 in the summary of ISLES Locational Guidance contains a presumed grammatical error. Under 'Locational Objectives' for the main headings 'Biodiversity, Flora & Fauna' and 'Population & Human Health', the word "not" as used in the phrase "...which would not detrimentally impact on...." actually implies the opposite of the assumed meaning. This is repeated wherever the phraseology is reproduced under section headings in the subsequent text and should be corrected for clarification.

In conclusion, overall the documents appear to cover the main elements which the Isle of Man Government would expect to be addressed in the Spatial Plan & Sustainability Appraisal. As with other Irish Sea marine developments, the crucial point is that the cumulative effects should be thoroughly examined as there are many pressures on marine life around the Isle of Man.

The Isle of Man government would welcome further involvement opportunities as stakeholders and would appreciate being kept updated of any future developments with this project. Should you require any further information or clarification on any of the above, please do not hesitate to contact myself.

Yours sincerely

**Michael Gallagher**  
**Director of Planning and Building Control**