Marine Infrastructure Management Act **Guidance for respondents**

How to ensure your views are considered by the examining authority



Oik Cooncetl ny Shirveishee

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Guidance for respondents

Section 24 (2) of the Marine Infrastructure Management Act 2016 allows the Council of Ministers to issue guidance on providing a response to a public consultation that is held for any application made for Marine Infrastructure Consent.

1. General Guidance for making a written representation or comments

How to make your views known about the application

- 1. ensure your comments are submitted before the relevant deadline;
- 2. be considered in your comments. Remember that your comments will be publicly available,
- 3. your written representation must be accompanied by a summary, if it exceeds 1500 words;
- 4. be ready to provide any further information about your response if requested.

In your written representation, please:

- 1. explain your views clearly, organise your comments in a logical order and keep to the point (using numbered paragraphs can be helpful in each case);
- 2. clearly explain the reasons for your views and avoid repeating the same point;
- 3. where possible, include supporting evidence (with source reference), such as;
 - A. extracts from documents.
 - B. maps, plans, drawings, or charts.
 - C. photographs of the local area or landmarks, but ensure these do not identify individuals, such as showing faces or vehicle number plates.
- 4. your views can be in support of or against the application & a mixture of both. For example, you may support the design of the proposed controlled marine activity but object to the location.
- 5. focus on the advantages and/or disadvantages of the proposed controlled marine activity in making your views known, such as:
 - A. how it could affect the surrounding area.
 - B. the design of the proposed marine development (what it might look like).
 - C. whether the proposed controlled marine activity could affect the enjoyment of your own property in any way.
 - D. the impacts the proposed controlled marine activity may have on your day-to-day life. See the information about personal and medical information in the 'Do not' guidance below.

When writing your written representation, please:

- 1. avoid referencing personal names (other than your own when requested). Use words such as 'family member' or 'neighbour' instead if required;
- 2. refrain from providing any personal information, and statements like "I live on my own" or "I will be on holiday in July";
- 3. ensure that any views shared in your response are evidence based and grounded in fact;
- 4. avoid including any information relating to personal medical data. Use more general terms such as "the proposed controlled marine activity may affect people with [medical condition physical or mental]" instead of specific details like "I have epilepsy and suffer from anxiety" or "This will affect my child's asthma". Do not include details which reveal a personal health aspect;
- 5. do not include slanderous or libellous comments, or any material that is vexatious, frivolous, threatening, offensive, abusive, hateful, or inflammatory, or invades another person's privacy;
- 6. do not include any material that could identify vulnerable persons. This includes children or young adults, such as the names of schools or colleges they attend or photographs. You can refer to schools or colleges in the local area generally;
- 7. avoid including hyperlinks to websites as these will be deactivated before they are published and will not be seen by the Examining Body. It is preferrable to include the relevant section of the information (an extract) in your comment. Clearly explain the reasons why the information is relevant;
- 8. avoid comments based on race, sex, religion, nationality, disability, sexual orientation, or age, or any illegal activity or violence;
- 9. refrain from making a comment in breach of any legal duty owed to a third party; this includes a contractual duty or a duty of confidence, or infringing any copyright, database right, or trademark of any person;
- 10. avoid making a comment which is likely to deceive any person. Avoid comments that could be used to impersonate anyone or misrepresent your identity or affiliation with anyone or any organisation;
- 11. refrain from submitting repeated identical submissions. These can be unhelpful and affect the efficiency of the process. It is helpful if groups of individuals with similar views can form a group and make one submission on behalf of everyone in that group.

2. How your data is processed

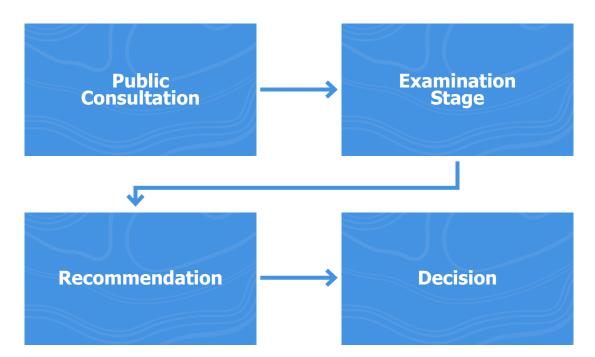
The Cabinet Office is administering the consenting process for applications made under the Marine Infrastructure Management Act 2016 on behalf of the Council of Ministers.

The Privacy Notice explains why your personal information is collected and how it will be used. Please read the Privacy Notice on our website www.mima.gov.im/privacy-notice

All consultation responses received will be published on our website, this will include the respondent's name and their comments. Any address and email address provided will be kept private.

By responding to the consultation, you are voluntarily giving consent for the Cabinet Office to process your personal data.

3. What happens after you have made a written representation



Public Consultation

This guidance aims to help people taking part in the consultation. Information about when and how to take part will be posted on the MIMA website (link to add) and publicised in the local media, including newspapers and social media.

Those who submit a response online or by email will receive an automated email acknowledgement; those submitting a paper copy of their response will receive a postal acknowledgement.

It is important to follow the few simple rules when submitting a comment to ensure it can be considered by the examining body.

Examination Stage

This is when the examiners consider all the information presented by the applicant and responses to the public consultation.

The examining body will ask questions about the proposed marine development and can invite the applicant and anyone participating in the consultation exercise to make further representations.

If you have submitted comments, you may be invited to attend hearings and meetings that take place as part of the examination.

Anyone can get involved and submit comments at each stage in the timetable so long as the Examining Body has been informed no later than 5 working days prior to a meeting.

This stage takes up to 6 months.

Recommendation

Following the close of the Examination, the examining body writes its recommendation report. This must be completed and sent to the Council of Ministers within 60-working days of the end of examination.

The Council of Ministers must publish this report as soon as is reasonably practicable.

Decision

The Council of Minsters then reviews the examining body's report and makes the final decision deciding whether to accept the recommendation or not. They have 30-working days to make a decision.

If a decision is made to accept a recommendation to grant a marine infrastructure consent, the consent must be issued.

The Council of Ministers must publish a statement of their reasons for granting or refusing a consent.

4. For further information about any aspect of the process

Contact the Cabinet Office at <u>MIMA.Applications@gov.im</u>, if you have any queries or are unclear about whether a particular comment is acceptable.

