

## Response ID BHLF-4B6T-S7R2-E

Submitted to Should Douglas Head be considered for Conservation Area status?

Submitted on 2021-09-20 10:51:39

### Introduction

1 What is your name?

Name:

N J Black Chief Executive - DoI

2 What is your email address?

Email:

3 Are you responding on behalf of an organisation?

Yes

Organisation:

Department of Infrastructure

4 May we publish your response?

Yes, you can publish my response in full

Should Douglas Head be considered for Conservation Area status?

5 Do you think Douglas Head should be designated as a Conservation Area?

Not Answered

6 Where do you think the boundary should be?

Please add your comments:

7 Please list any buildings, structures, particular land uses etc. that you feel contribute to the area and support arguments that the area has special architectural or historic interest.

Please add your comments:

Although the Department does not object to the principle of the conservation area for Douglas Head and could support the registration of individual buildings if appropriate, there are specific sections of the consultation that conflict with operational and strategic harbour requirements, both currently and in the future, and the Department must therefore object to the proposals as currently drafted.

The area of particular concern is the proposal to include land and structures which are vested in the Department of Infrastructure and form part of the harbour operational area or of the adjacent areas that support the harbour, such as storage yards, engineering workshops and the like. Douglas Harbour is the main commercial shipping port for the Island. The proposed area also includes parts of South Quay, Battery Pier, Princess Alexandra Pier, Millennium Lift Bridge and the tank farm sites. These are vibrant commercial and industrial areas, many of which are strategic assets for the Isle of Man and as such will need to be modified, changed or repurposed according to business and commercial needs. Any constraints imposed by making this a conservation area could hinder any future development and progress. For example, the introduction of the new fire-fighting system for the gas and oil installations would have been impacted had a conservation area been created.

In December 2016, Tynwald approved the Strategic Sea Services Policy, establishing a framework for the current and future provision of ferry freight and passenger services setting out the manner in which the Isle of Man Government will intervene in the market to protect the Island's social and economic needs. As part of the process of identifying the Island's social and economic needs, the Department developed a strategy to harness the future potential of the Island's port and marina facilities. Both the strategy and the policy have been developed following investigations into the development of Douglas Harbour. This was based on an initial evaluation of the potential locations for a deep water berth and an overview of the five main harbours and considerations for the future progression. As such, the Department must ensure a degree of flexibility in its approach to the development of the Port of Douglas as the Island's main harbour. The Department has recently completed the purchase of a second linkspan but both the Island's linkspans are located in Douglas Harbour. One will certainly need to be replaced before the end of the decade. Any delay or difficulty caused by conservation status will risk the social and economic wellbeing of the Island.

Developments within the marine industry, such as a further increase in the creation of wind farms, may also create an opportunity for the Isle of Man to become a central hub harbour in the Irish Sea. The physical space limitations in the Douglas Harbour area mean that the available space must be used flexibly and that operational demands remain paramount.

It will not have escaped the notice of the Cabinet Office that the Department was only able to rapidly provide for improved facilities needed to manage the imposition of public health/ coronavirus control measures by virtue of the flexibility afforded to it by the scope of the harbour limits, the extent of the secure area and the operation of permitted development rights. Without this, the Department could not have assisted the Cabinet Office in its endeavours to protect the health and wellbeing of the people of the Island.

In 2018, the Harbour Strategy was presented to Tynwald. This included further proposals for areas already provided for under the Douglas Head Act 2000, which gives statutory basis for the use of land in Douglas Head. The Department would wish to be reassured that the advice of HM Attorney General has been taken in respect of any interaction between the operation of the 2000 Act and the proposed conservation area. The Department would also wish to be reassured that advice has been taken in respect of any interaction between the proposed conservation area and the various statutory obligations in place in respect of maritime security.

The planning and approval of any of these schemes would therefore have to be reflected within the Conservation area.

There are elements of legislation that would require further clarification, such as the potential for the proposed Conservation Area to be in direct conflict with Section 11 of the Harbours Act

2010 - see below:

Limitation of use of harbour

(1) If the Department considers it necessary for the management, control, operation, maintenance, development or improvement of a harbour, it may by order designate an area in the harbour or specify harbour facilities which –

- (a) shall not be available to harbour users; or
- (b) shall only be available as specified in the order.

(2) Where an order is made under subsection (1) the Department may appropriate the designated area or the specified facilities -

- (a) for the exclusive or preferential use of a particular user; or
- (b) for a particular class of vessel, traffic or use.

(3) An order under subsection (1) has effect for the definite period of time which is specified in the order.

(4) Before making an order under this section, the Department shall satisfy itself that the order and the proposed use of the specified facilities or the designated area will not prejudice -

- (a) the safety of navigation in the harbour;
- (b) the safe operation of the specified facilities and any other facilities provided by the Department; or
- (c) the safety of the designated area or any other area within the harbour.

(5) An order under this section may specify facilities or designate an area by description or by reference to a map or chart

(6) An order under this section shall be laid before Tynwald as soon as practicable after it is made, and if Tynwald at the sitting at which the order is laid or at the next following sitting fails to approve it, the order shall cease to have effect.

The Department also notes that a Permitted Development Order exists for Douglas Outer Harbour under Schedule 1 of the Town and Country Planning (Permitted Development) (Government Owned Land) Order 2012.

Whilst the Department would welcome further discussion on this matter, it would in simple terms be content with the proposal were all the land within the Douglas Harbour limits to be excluded from any proposed conservation area.

8 Please explain why you think Douglas Head should not be Conservation Area and where possible please list any buildings, structures or particular land uses etc. that you feel detract from the area and weaken any arguments that the area has special architectural or historic interest.

Please add your comments: