

STATES OF JERSEY



ENCROACHMENT ON THE FORESHORE: REVISED POLICY (P.111/2020) - AMENDMENT (P.111/2020 AMD.) - AMENDMENT

**Lodged au Greffe on 24th February 2021
by the Minister for Infrastructure**

STATES GREFFE

ENCROACHMENT ON THE FORESHORE: REVISED POLICY (P.111/2020) -
AMENDMENT (P.111/2020 AMD.) - AMENDMENT

1 PAGE 2, PARAGRAPH (a) –

In the proposed new paragraph (b), after the words “Minister for Infrastructure” delete the remaining words and substitute the words “to report back to the Scrutiny Panel with his proposals for setting out, in a map or plan, the public boundary”.

MINISTER FOR INFRASTRUCTURE

Note: After this amendment, paragraph (a) of the amendment of the Deputy of Grouville would read as follows –

(a) After the words ‘this proposition’, insert the word “; and”; designate the existing paragraph as paragraph (a) and insert a new paragraph (b) as follows –

“(b) to request the Minister for Infrastructure to report back to the Scrutiny Panel with his proposals for setting out, in a map or plan, the public boundary”

REPORT

In principle the Minister agrees with the production of a map or plan, but there are three key matters that mean this does need time in order to do the work. Clearly a map will be important, but it should not be published as part of the encroachment policy document. which would put it into public purview immediately, could frustrate resolution of encroachment and may not help in the initial investigation into the various encroachments that may or may not exist.

The Minister is also of the view that, in light of their review, he should report the proposals back to Scrutiny. The three matters that are for the Minister to address are:

1. Distilling the information may be very technical with practical difficulties as to how it is to be presented
2. Consideration as to who the map or plan is to be accessible to. It is accepted that it will need to be made accessible to neighbouring property owners, but care will also have to be taken to have full regard to matters such as data protection principles
3. The map or plan will set out the Minister's view of where the foreshore boundary is for discussion and/or agreement with the relevant landowners. So, the map or plan itself may well be a dynamic document with some fluidity to it.

As regards paragraph (b) of the Deputy of Grouville's amendment I regret for the reasons set out in [P.111/2020\(Amd\)\(2\)](#) I am unable to accept it as drafted. I am concerned that it would impair the ability to work with landowners to resolve boundary issues. There remains the need to consider matters in the round, which means that the range of options available should not be unduly narrowed to resolve matters – such as agreeing a boundary line, agreeing a payment where appropriate (which some owners are happy to do) or the grant of rights.

Financial and manpower implications

There are no financial and manpower implications arising from adoption of this amendment.